

Decision

Decision on Statutory Consultation on Capacity Market Rule Change Proposals 2026

Publication date:	26 June 2026
Contact:	Rob Wilson, Tola Adeoye and Theo Kaloudiotis
Team:	Electricity Security & Market Management
Email:	EMR_CMRules@ofgem.gov.uk

This document follows on from our Statutory Consultation on Capacity Market Rules change proposals, which ran from 10 April to 24 May 2026. We are now setting out our decisions regarding the implementation of the Capacity Market Rules change proposals that formed part of this consultation.

We are progressing the following changes with no alterations from the details consulted on:

- CP384 – Rule 6.10.1 Termination Reasons (g) & (ga)
- CP385 – Update to Load following Capacity Obligation calculation inputs
- CP386 – Alignment of Metering Test Processes, DSR Delivery Periods, and Terminology
- CP398 – Enabling Capacity Providers to utilise their own Meter Operator Agent

We are progressing the following changes with minor changes or clarifications:

- CP387 – Metering Assessment Deadlines
- CP389 – Connection Capacity Review
- CP392 – Amendments to enable Asset Metering and ensure Delivery Assurance

We are progressing the following changes with more significant alterations or clarifications in response to issues raised in the consultation:

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- CP382 – Independent Technical Expert Definition Updates & Report Templates
- CP390 – Simplifying Reporting & Monitoring Provisions
- CP393 – Full Review of Exhibits
- CP394 - Conditional Prequalification for assets that have applied for a new or modified connection date
- CP396 - Total Project Spend review, changes beyond DESNZ 'housekeeping'
- CP397 – Temporary FCM Grace Period

All amendments apply (unless otherwise stated) in respect of any Capacity Agreement that has been awarded as a result of a Capacity Auction held before these Rules come into force and in respect of any Capacity Agreement awarded as a result of a Capacity Auction held after these Rules come into force.

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1. Introduction

Section summary

In this section, we describe the legislation underpinning the Capacity Market Rule Change process, the role of the Capacity Market Advisory Group and the decisions which are included in the document.

Context and related publications

Background to this Decision Letter

The Capacity Market (CM) is governed by secondary legislation through a combination of the Electricity Capacity Regulations 2014 (the CM Regulations)¹ and the Capacity Market Rules (the CM Rules).² The CM Rules provide the detail for implementing much of the Capacity Market operating framework set out in the CM Regulations. We share responsibility for the CM Rules with the Secretary of State and we are granted the power to amend, add to, revoke, or substitute CM Rules concerning the operation and administration of the Capacity Market under Regulation 77. Regulation 79 of the CM Regulations sets out who may submit a proposal to amend a provision of the Capacity Market to us and who must be consulted during the Rule Change process.

In 2022, we published our Decision on establishing the Capacity Market Advisory Group (CMAG).³ CMAG is a body of impartial Capacity Market experts who are charged with prioritising, analysing and developing proposed changes to the CM Rules and making recommendations to us.⁴ Unless applicants specifically request that their proposals go directly to us for reasons of urgency or confidentiality, all CM change proposals are shared with CMAG to be developed and submitted as a report to us before we consider them. Once we have the CMAG reports, in accordance with Regulation 79, we decide which proposals we will take forward for statutory consultation and which we will reject without further consultation. Finally, we will decide on the proposals through a Decision letter.

¹ [The Electricity Capacity Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [Informal Consolidated Version of the CM Rules June 2025 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

³ [Decision on establishing the Capacity Market Group \(CMAG\) | Ofgem](https://www.ofgem.gov.uk)

⁴ [Homepage - Ellexon CMAG](https://www.ellexon.com)

Capacity Market change proposals we are deciding on

In April 2026, we published a statutory consultation on the following Capacity Market change proposals. Our consultation document included a description of the change proposals, the policy background, the proposed solution(s) and its implications, the CMAG discussion and our minded-to position, accompanied by the suggested changes to the legal text. This document sets out our decisions on 13 Capacity Market change proposals we consulted on:

- CP382 – Independent Technical Expert Definition Updates & Report Templates
- CP384 – Rule 6.10.1 Termination Reasons (g) & (ga)
- CP385 – Update to Load following Capacity Obligation calculation inputs
- CP386 – Alignment of Metering Test Processes, DSR Delivery Periods, and Terminology
- CP387 – Metering Assessment Deadlines
- CP389 – Connection Capacity Review
- CP390 – Simplifying Reporting & Monitoring Provisions
- CP392 – Amendments to enable Asset Metering and ensure Delivery Assurance
- CP393 – Full Review of Exhibits
- CP394 – 2026 Conditional Prequalification for assets that have applied for a new or modified connection date
- CP396 – Total Project Spend review, changes beyond DESNZ ‘housekeeping’
- CP397 – Temporary FCM Grace Period
- CP398 – Enabling Capacity Providers to utilise their own Meter Operator Agent

We have provided the background for each of these change proposals, including our original minded-to position. We have also included the responses we received from stakeholders on each question and have given our position on those responses and highlighted any changes to the Rule Change based on those responses. Finally, we provide our decision on each change proposal. Unless otherwise stated, where we have approved a change proposal, these changes will come into effect from the opening of the 2026 Prequalification submission window.

We have also included the suggested changes to the legal text for each of the change proposals in the ‘Rule Change’ section of each Proposal. The mandatory templates for Independent Technical Experts reports, which form part of Exhibit KA under CP382, are set out in Annex 1. The updates to templates under CP393 are set out in Annex 2. Additionally, [Annex 3](#) includes information on submitting Rule change proposals to CMAG.

Within this document, any capitalised terms have the same meaning as given in the CM Rules or Regulations.

Our decision-making process

We consulted on Capacity Market change proposals CP382, CP384, CP385, CP386, CP387, CP389, CP390, CP392, CP393, CP394, CP396, CP397 and CP398 through a statutory consultation which we published on the Ofgem website on 10 April 2026 and which closed on 24 May 2026.

It can be accessed here:

[Statutory Consultation on Capacity Market Rule Change Proposals \(2026\)](#)

General feedback

We believe that consultation is at the heart of good policy development. We are keen to receive your comments about this report. We'd also like to get your answers to these questions:

1. Do you have any comments about the overall quality of this document?
2. Do you have any comments about its tone and content?
3. Was it easy to read and understand? Or could it have been better written?
4. Are its conclusions balanced?
5. Did it make reasoned recommendations?
6. Any further comments

Please send any general feedback comments to EMR_CMRules@ofgem.gov.uk.

2. CP382 - Independent Technical Expert Definition Updates & Report Templates ⁵

Section summary

In this section, we outline the intent of CP382, which removes the requirement for Independent Technical Experts (ITEs) to have international experience and introduces a series of templates for ITE reports. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 2.1 The CM Rules currently require ITEs to provide assurance on key milestones and declarations for Capacity Market Units (CMUs). However, the existing provisions have been identified as inadequate in two critical areas: the definition of an ITE and the requirements for ITE reporting. At present, the CM Rules do not prescribe how ITEs should assess, develop, or produce reports, resulting in significant variation in the quality and content of reports submitted to the Delivery Body. This inconsistency undermines confidence in the assurance provided by ITE reports and creates inefficiencies in the administration of the Capacity Market.
- 2.2 The current definition requires ITEs to have international experience, a criterion that was originally introduced when the Capacity Market was new and relied on expertise from similar schemes abroad. However, after more than a decade of operation, concerns were raised at CMAG that this requirement is generally viewed as unnecessarily restrictive and limits the pool of qualified experts available to Capacity Providers. Furthermore, while the Rules state that an ITE must be independent, the term “independent” is not clearly defined. There is no explicit requirement for ITEs to confirm their independence, nor is there a standardised approach to demonstrating this in practice.

Proposed Change

- 2.3 CP382 seeks to address these issues by:
 - removing the requirement for ITEs to have international experience,
 - introducing a requirement for ITEs to sign a formal declaration of independence

⁵ [ITE Definition Updates and Report Templates - Elexon CMAG](#)

- introducing mandatory templates for ITE reports, which will be included as Reports in a new Exhibit KA in the Rules.
- 2.4 It is proposed that these templates will standardise the structure and content of reports across key reporting areas, including Total Project Spend (TPS), Extended Years Criteria (EYC), Financial Commitment Milestone (FCM), Long Stop Date (LSD) extension requests, Operational assessments, Construction Progress Remedial Plans, and Demand Side Response Partial Credit Cover Release. A new template will also be introduced for Long Stop Utilisation Declarations following recent amendments to the Rules.
- 2.5 The templates are intended to create consistency in reporting, improve the quality of assurance provided, and reduce ambiguity for Capacity Providers and the Delivery Body. It is proposed that these changes will also make it easier for the Delivery Body to evaluate ITE reports and reject poor-quality reports based on a failure to meet the minimum information requirements. Collectively, these reforms aim to enhance the robustness of ITE reporting, improve administrative efficiency, and ensure that projects awarded multi-year agreements meet the necessary standards.

CMAG Discussion

- 2.6 CP382 was discussed extensively at CMAG meetings between January 2024 and May 2025, as well as through a dedicated ITE sub-group formed to examine the issue in detail. Early discussions highlighted widespread concerns about the variability in ITE report quality and the lack of clarity in the CM Rules regarding what reports should contain. Members agreed that this inconsistency undermines the assurance intended by policy and creates operational challenges for the Delivery Body, which currently has limited powers to reject reports which may not meet the requirements of the CM Rules.

International Experience Requirements

- 2.7 The sub-group reviewed the definition of an ITE and concluded that the requirement for international experience was outdated and unnecessarily restrictive. Members noted that the Capacity Market has matured significantly since its inception, and domestic expertise is now sufficient to meet assurance needs. Removing this requirement will broaden the pool of qualified experts and reduce barriers to entry.

Definition of Independent

- 2.8 The sub-group also identified inconsistencies in the use of the term “independent” within the Rules. To address this, it recommended capitalising the term (so that this aligns with the existing definition of “Independent” within the Rules) and introducing a new requirement for ITEs to sign a declaration of independence, providing clear evidence of impartiality.

New Templates

- 2.9 A major focus of the sub-group’s work was the development of standardised templates for ITE reports. Members agreed that the absence of prescribed reporting formats has led to significant variation in the level of detail provided, with some reports containing only minimal statements. This lack of consistency is particularly problematic for reports that underpin critical decisions, such as eligibility for 15-year agreements under Extended Years Criteria. The sub-group developed templates covering all key reporting areas, including TPS, EYC, FCM, LSD extensions, Operational assessments, Construction Progress Remedial Plans, and Demand Side Response Partial Credit Cover Release. These templates specify the information that must be included and provide structured declarations to ensure completeness and clarity.
- 2.10 The sub-group also considered additional areas for improvement, such as clarifying the treatment of foreign currency transactions, reviewing remedial plan provisions, and updating Extended Years Criteria to reflect technological developments. While these issues were noted for future consideration, they were deemed out of scope for CP382. Members agreed that the proposed changes strike the right balance between improving assurance and avoiding unnecessary complexity. CMAG unanimously supported the introduction of templates and the amendments to the ITE definition, concluding that these changes will enhance confidence in ITE reporting and improve the efficiency of Capacity Market administration.

Minded-To-Position

- 2.11 We outlined our minded-to position regarding CP382 in our April 2026 Statutory Consultation. Taking into consideration the discussion by the industry through CMAG, we were minded to approve the proposed changes as they will significantly improve the quality and consistency of ITE

reporting, thereby strengthening delivery assurance and supporting the efficient operation of the Capacity Market. By removing the requirement for international experience, the proposal will expand the pool of qualified experts, reduce barriers to participation and promote competition. The introduction of mandatory templates will ensure that ITE reports contain the necessary information to support robust decision-making and will enable the Delivery Body to reject reports which may not meet the requirements of the CM Rules.

- 2.12 It was acknowledged that these changes align with Ofgem’s Principal Objective by ensuring that only projects meeting the required standards progress and are awarded multi-year agreements, ultimately delivering better value for consumers. They also facilitate the efficient administration of the Capacity Market by reducing ambiguity and improving the clarity of reporting requirements. Ofgem does not anticipate any adverse impacts on other industry codes, regulations, or consumer costs. Implementation costs are expected to be minimal, as the templates will support work that ITEs already undertake, and no system changes are required.
- 2.13 Ofgem’s minded to position as stated in the consultation was therefore to implement CP382 in full, including the revised definition of an ITE, the requirement for a declaration of independence, and the introduction of mandatory report templates.

Stakeholder feedback and our response

Q1: Do you agree with the proposal to implement CP382, which updates the definition of an ITE and introduces mandatory templates for ITE reports to improve consistency and assurance??

- 2.14 Twelve out of thirteen respondents agreed with the proposal to update the definition of an ITE, with several respondents noting that removing the requirement for international experience would broaden the pool of eligible experts and reduce barriers to entry.
- 2.15 Ten respondents agreed with the introduction of standardised reporting templates to improve consistency and assurance, noting that they would help reduce variation in report quality and provide greater clarity on reporting expectations.

- 2.16 Three respondents did not support the introduction of mandatory templates. Concerns were raised regarding the potential for increased administrative burden and reduced flexibility, particularly in complex or non-standard cases, as well as whether templates would be sufficiently applicable across different technologies and portfolio types.

We note these concerns and consider that the templates are intended to standardise ITE reporting across the Capacity Market, while allowing for proportionate application across different project types. This reflects the objectives of the ITE Subgroup⁶ to improve the quality and consistency of ITE reporting.

- 2.17 Three respondents raised concerns that mandatory templates alone may not improve the overall quality and robustness of ITE reporting, and highlighted wider limitations within the ITE framework, including limited requirements to demonstrate independence and reliance on information provided by Capacity Providers.

We agree that templates alone will not address all aspects of the ITE framework. However, improving consistency in reporting is a necessary first step. Wider issues on independence and assurance are noted, have been discussed at CMAG and fall beyond the scope of this change.

- 2.18 One respondent raised concerns about a statement in the consultation that *“the introduction of mandatory templates...will enable the Delivery Body to reject inadequate submissions more effectively”*. The respondent sought clarification that CP382 is not intended to grant the Delivery Body any powers to reject ITE reports.

We do not consider that CP382 grants any new powers to the Delivery Body. The role of the Delivery Body in reviewing ITE reports is already established within the CM Rules, including assessing whether ITE submissions are complete under the requirements set out in the CM Rules. CP382 will support the Delivery Body in carrying out this existing role more effectively.

Q2: Do you have any comments on the proposed amendments to the Capacity Market Rules, including the removal of the international experience requirement, the

⁶ [ITE \(ITE\) Subgroup Terms of Reference](#)

introduction of a declaration of independence, and the inclusion of templates as an appendix to the Rules?

2.19 Six respondents had comments supporting all three proposed amendments, while four respondents had comments on the inclusion of templates as an appendix to the CM Rules.

2.20 One respondent recommended that templates are reviewed periodically to ensure they remain appropriate as the Capacity Market evolves.

2.21 Two respondents requested clarity on the treatment of supporting evidence, including whether evidence should be provided only to the ITE or submitted to the Delivery Body. They raised concerns about the extent to which all evidence reviewed by the ITE is expected to be included in reports.

We note that the ITE report templates include guidance, where appropriate, on the types of evidence that should support the ITE's assessment. In some cases, the templates also refer to specific evidence required to show compliance with the CM Rules

2.22 One respondent sought confirmation on whether appropriate rectification or appeal processes are in place where an ITE report is completed incorrectly or does not meet the required standard, noting the potential for administrative errors to create delivery or compliance risks.

We note that the CM Rules and the CM Regulations already include established processes for addressing disputes and appeals in relation to decisions made by the Delivery Body. The introduction of templates does not change these arrangements.

2.23 One respondent suggested that references to templates in the CM Rules should instead refer to minimum reporting requirements, to allow greater flexibility in how ITE reports are presented.

We note this suggestion and consider that including templates within the Rules provides clarity on the information required to demonstrate compliance. Moving to a guidance based approach would risk increasing variation in reporting. Any potential future issues with the templates should be addressed through refinement of the templates rather than changes to their mandatory status.

2.24 One respondent recommended clearer reference to International Accounting Standard 16 (IAS16) in the ITE statement to ensure that qualifying

expenditure is interpreted consistently, including for work undertaken on existing assets for refurbishment or life-extension projects.

We note that IAS16 is already referenced within the templates and agree that further clarification in the CM Rules would support consistent interpretation of expenditure relating to existing assets

Q3: Do you foresee any unintended consequences or operational challenges arising from these changes, particularly in relation to the use of templates or the expanded pool of eligible ITEs?

- 2.25 Seven respondents foresaw unintended consequences or operational challenges arising from changes in relation to the use of templates.
- 2.26 Two respondents raised concerns that templates may not fully reflect or remain aligned with the CM Rules if not updated consistently.
- 2.27 Three respondents noted operational challenges, including the need to update existing templates, briefing ITEs on new requirements, a potential increase in administrative burden during implementation, and the risk of applicants not using the correct templates.
- 2.28 One respondent raised concerns that an expanded pool of ITEs could lead to inconsistent quality of reporting.
- 2.29 One respondent raised a concern that references to accounting standards within the templates may imply additional expertise requirements for ITEs.

We note that references to International Accounting Standard 16 are already included within the CM Rules in relation to the assessment of Capital Expenditure. The introduction of templates under CP382 does not introduce additional qualification requirements for ITEs.

Q4: Do you have any views on the timing of implementation ahead of the 2026/27 Prequalification round, and whether this provides sufficient notice for Capacity Providers and ITEs to adapt to the new requirements??

- 2.30 Seven respondents supported implementation ahead of the 2026/27 Prequalification round.
- 2.31 Three respondents highlighted the need for early publication of templates, clear guidance, and support to help stakeholders implement the new requirements.

- 2.32 Four respondents raised concerns regarding the readiness of the templates, including whether they are accurate and aligned with the CM Rules and can be issued in sufficient time ahead of implementation ahead of the 2026/27 Prequalification round.
- 2.33 Five respondents raised concerns that the proposed timing may create delivery risks due to limited time to implement changes. Respondents also highlighted the need for clarity on how reports already in preparation would be treated under the new requirements.
- 2.34 Four respondents highlighted the need for transitional arrangements to allow previously prepared reports to remain valid for a defined period and avoid unnecessary rework.

Decision

- 2.35 We agree with the majority of respondents on the proposal to implement CP382, which removes the requirement for ITEs to have international experience, introduces a requirement for ITEs to sign a formal declaration of independence, and introduces mandatory templates for ITE reports, which will be included in Exhibit KA of the CM Rules.
- 2.36 We note stakeholder feedback identifying errors and areas requiring clarification in ITE Report Templates A and B and have amended the consulted templates to address these issues, as reflected in Annex 1 of this document.
- 2.37 Following amendments to Construction Milestones under CP390 and the replacement of “Total Project Spend/De-rated Capacity” with “Qualifying £/kW Capital Expenditure” under CP396, we have amended the ITE report templates, accordingly, as set out in Annex 1 of this document.
- 2.38 We note that all mandatory templates for ITE reports will be included within Exhibit KA of the CM Rules, as reflected in the Rule Change section and set out in Annex 1 of this document.
- 2.39 We agree with respondents on the need for clear guidance and support to facilitate implementation of the new mandatory templates and recommend that the Delivery Body publish templates in advance of the 2026 Prequalification Window and issue guidance to support implementation and provide clarity on completing the new templates.

- 2.40 We note stakeholder recommendations regarding the need for transitional arrangements to allow previously prepared reports to remain valid for a period and avoid unnecessary rework, and we agree that such arrangements are necessary. The updated Rules under CP382 will require that all ITE reports signed and dated after the commencement of the 2026 Prequalification Window must use the new template. Where an ITE report is signed and dated prior to the commencement of the 2026 Prequalification Window, the existing ITE report may be used on a transitional basis, ensuring that reports prepared prior to this date can continue to be submitted to the Delivery Body. This transitional arrangement for ITE reports signed and dated will end at the commencement of the 2029 Prequalification Window.
- 2.41 We have therefore decided to proceed with CP382, with the updated Rules applying to all ITE reports dated on or after the commencement of the 2026 Prequalification Window. For ITE reports signed and dated before the commencement of the 2026 Prequalification Window, these existing reports may continue to be used until the commencement of the 2029 Prequalification Window, after which any transitional arrangement will end.
- 2.42 Please note that certain exhibits included in this response may be subject to change to reflect concurrent legislative amendments being progressed by DESNZ⁷. Where relevant, please refer to the most up-to-date Amending Instrument relating the CM Rules.

Rule Change

- 2.43 The following changes to the CM Rules are proposed. These are shown as **redline markup**. Where further changes were made after the consultation these are indicated in the text but are also highlighted in **purple**:
- 2.44 Amend the following definitions to remove the requirement for ITEs to have international experience, capitalise the term “independent”, so that this aligns with the existing definition of “Independent” within the Rules, and introduce mandatory templates for ITE reports:

1.2 Definitions

Independent Technical Expert

⁷ [Government Response for Proposed Changes for Prequalification 2026](#)

means a person who:

- (a) is independent of the relevant Capacity Provider;
- (b) is engaged by the relevant Capacity Provider at its expense to prepare the technical assessment, report, certificate or commentary required by Rules 6.6, 6.7, 6.7B, 6.10, 8.3 or 12.2 to the Required Technical Standard; and
- (c) if the person is:
 - (i) engaged in respect of a Prospective Generating CMU, an experienced technical expert with international experience and expertise in the construction and operation of Generating Units;
 - (ii) engaged in respect of a Prospective Interconnector CMU, an experienced technical expert with international experience and expertise in the construction and operation of Electricity Interconnectors; and
 - (iii) engaged in respect of an Unproven DSR CMU, an experienced technical expert with experience and expertise in Demand Side Response

Operational

means, for a Generating CMU or its physical capacity and for an Interconnector CMU or its physical capability:

- (a) for a Transmission CMU, the issuance of an ION for that Generating Unit and that physical capacity;
- (aa) for an Interconnector CMU, the issuance of an ION for that CMU and that physical capability;
- (b) for a Distribution CMU, an Independent Technical Expert has issued a certificate report in the form detailed set out in Report E of Exhibit KA confirming that all Distribution Network Operator commissioning tests required to commence export have been completed such that that Generating Unit is permitted to despatch that physical capacity into the Distribution Network; and
- (c) for a Refurbishing CMU, whose Connection Capacity is greater than the Connection Capacity of its equivalent Pre-Refurbishment CMU, an

Independent Technical Expert has issued a **certificate report in the form detailed set out in Report E of Exhibit KA** confirming that the relevant test from “(a), (aa) or (b)” above has been met (substituting FON for ION where applicable), and the CMU and supporting infrastructure has been fully commissioned (as defined in the Regulations); and

(d) for any Refurbishing CMU, whose Connection Capacity is less or equal to the Connection Capacity of its equivalent Pre-Refurbishment CMU, an Independent Technical Expert has issued a **certificate report in the form detailed set out in Report E of Exhibit KA** confirming that the CMU and supporting infrastructure has been fully commissioned (as defined in the Regulations).

- 2.45 Insert new paragraphs and amend the following paragraphs to introduce mandatory templates for ITE reports:

[Amend Paragraph 3.8A.4:]

3.8A.4 If the Applicant provides a Long Stop Utilisation Declaration, it must also provide to the Delivery Body with its Application, in respect of the CMU to which the Application relates, a report from an Independent Technical Expert **in the form detailed set out in Report F H of Exhibit KA** that meets the Required Technical Standard, concluding, on the basis of evidence and analysis set out in or annexed to the report, that it is reasonable for the Applicant:

- (a) to make the declaration referred to in Rule 3.8A.2(b)(i); and
- (b) to have the expectation, and hold the belief, referred to in Rule 3.8A.2(b)(ii) and (iii).

[Amend Paragraph 8.3.6 Evidence of Total Project Spend to:]

8.3.6 Evidence of Total Project Spend

Where a Prospective Generating CMU or an Unproven DSR CMU has been awarded a Capacity Agreement with a duration exceeding one Delivery Year:

- (a) the relevant Capacity Provider must provide to the Delivery Body, no later than the date described in Rule 8.3.6(zaa), with a **certificate report** from an Independent Technical Expert **in accordance with paragraph (e)**, stating the Total Project Spend incurred, and confirming that it is satisfied,

on the basis of evidence reviewed, that the Total Project Spend incurred divided by the De-Rated Capacity of the CMU is:

- (i) less than the Three Year Minimum £/kW Threshold; or
- (ii) equal to or greater than Three Year Minimum £/kW Threshold and less than the Fifteen Year Minimum £/kW Threshold; or
- (iii) equal to or greater than the Fifteen Year Minimum £/kW Threshold.†

[Amend Paragraph 7.5.1(n) Delivery Body amendments to the Capacity Market Register to:]

7.5.1(n) in the circumstances described in Rule 8.3.6(b), within five Working Days of receipt of the ~~certificate~~ report from an Independent Technical Expert described in Rule 8.3.6(a);

[Insert new paragraph 8.3.6 (e):]

8.3.6 (e) ~~Where A report is provided by the relevant Capacity Provider to the Delivery Body to meet the requirements under Rule 8.3.6 (a) this report must be in the form detailed set out in Report A of Exhibit KA for a Generating CMU or Report A1 of Exhibit KA for an Unproven DSR CMU.~~

[Amend paragraph 8.3.6A Meeting the Extended Years Criteria:]

8.3.6A Meeting the Extended Years Criteria

(b) No later than three months after the start of the first Delivery Year or, if applicable, no later than the date the Capacity Agreement takes effect in accordance with Rule 6.7.4(a)(ii) or Rule 6.8.5, the relevant Capacity Provider must provide to the Delivery Body a ~~certificate~~ report from an Independent Technical Expert ~~in accordance with paragraph (g)~~, confirming that the Independent Technical Expert is satisfied that the CMU meets the Extended Years Criteria

[Insert new paragraph 8.3.6A (g):]

8.3.6A (g) ~~Where A report is provided by the relevant Capacity Provider to the Delivery Body to meet the requirements under Rule 8.3.6A (b) this report must be in the form detailed set out in Report B of Exhibit KA.~~

[Amend paragraph 8.3.6B Definition of Extended Years Criteria to:]

8.3.6B “Extended Years Criteria” means the requirements, in respect of a Prospective Generating CMU, that:

(a) for each Generating Unit of the CMU, the Core Generating Plant consists of:

- (i) new Apparatus;
- (ii) both new and rebuilt Apparatus, where at least one complete generator or turbine is new; or
- (iii) rebuilt ~~and~~/or previously used Apparatus provided that the Generating Unit:
 - (aa) has not been used, or been available for use, for the generation and Export of electricity in Great Britain at any time in the three years preceding the Application; and
 - (bb) forms part of a CMU which is installed on a site that has not previously been used for that CMU and benefits from a new Grid or Distribution Connection Agreement;

~~*[Insert new paragraph 8.3.6B (e):]*~~

~~8.3.6B (e) Where a report is provided by the relevant Capacity Provider to the Delivery Body to meet the requirements under Rule 8.3.6A (b) this report must be in the form detailed in Report B.~~

~~*[Amend paragraph 6.6.1(a) Achieving the Financial Commitment Milestone:]*~~

~~6.6.1(a): a report prepared by an Independent Technical Expert in the form set out in Report C of Exhibit KA at the Capacity Provider’s cost confirming that the Independent Technical Expert (either directly or indirectly) is satisfied as to both of the matters set out in Rule 6.6.2; and~~

~~*[Insert new paragraph 6.6.1(c) Financial Commitment Milestone:]*~~

~~6.6.2 (c) Where a report is provided by the relevant Capacity Provider to the Delivery Body to meet the requirements under Rule 6.6.2 this report must be in the form detailed in Report C.~~

~~*[Amend paragraph 6.7.7(b)(iii): extension of Long Stop Date]*~~

6.7.7(b)(iii) including a report from an Independent Technical Expert in the form set out in Report D of Exhibit KA substantiating the reasoning for the duration of the extension sought under this rule.

[Insert new paragraph 6.7.7A:]

6.7.7A ~~Where~~ A report is provided by the relevant Capacity Provider to the Delivery Body ~~to meet the requirements under Rule 6.7.7 this report must be in the form detailed set out in Report D of Exhibit KA.~~

[Amend paragraph 12.2 Monitoring of construction progress of Prospective CMUs to:]

12.2.4 Where it is apparent from a progress report that the latest date on which a Prospective CMU is expecting to achieve the Substantial Completion Milestone is later than the first day of the relevant Delivery Year, the Delivery Body must request the Capacity Provider to provide it with a remedial plan which demonstrates that steps can and will be taken to accelerate the programme such that the latest date on which the Substantial Completion Milestone is expected to be reached is the first day of the relevant Delivery Year. The relevant Capacity Provider must use all reasonable endeavours to provide a remedial plan meeting such requirements and the remedial plan must be accompanied by:

- (a) a **commentary report** from an Independent Technical Expert in the form detailed set out in Report F of Exhibit KA addressing whether the remedial plan is achievable; and
- (b) a certificate from two directors of the Capacity Provider (or officers, in the case of a Capacity Provider other than a company) stating that they believe the remedial plan is fair and achievable.

[Amend paragraph 6.7B DSR Partial Credit Cover Release to:]

6.7B.1 An Applicant, Bidder or Capacity Provider for an Unproven DSR CMU in respect of a Capacity Agreement of a duration exceeding one Delivery Year ("P") will meet the requirements for DSR Partial Credit Cover Release if, before P gives a notice to the Delivery Body under Rule 8.3.3A specifying the DSR CMU Components comprising the CMU, the Delivery Body is satisfied that P has provided it with:

(c) a report prepared by an Independent Technical Expert **in the form detailed set out in Report G of Exhibit KA** at the Capacity Provider's cost confirming that the Independent Technical Expert (either directly or indirectly) is satisfied as to the matters set out in Rule 6.7B.1(b)(i) and Rule 6.7B.1(b)(ii).

[Insert new paragraph 12.5.2 Provision of information for monitoring purposes]

12.5.2 Any ITE report provided by the CP must include:

- (i) ~~the~~ a description of the work that has been conducted by the relevant Independent Technical Expert; and**
- (ii) a description of the experience and technical expertise of all individuals involved in preparing, contributing or approving the content of the Independent Technical Expert report, including any relevant qualifications obtained by those individuals and their membership of any relevant professional bodies.**

2.46 All mandatory templates for ITE reports will form part of Exhibit KA of the CM Rules and are included in Annex 1 of this document.

3. CP384 – Rule 6.10.1 Termination Reasons (g) & (ga) ⁸

Section summary

In this section, we outline the intent of CP384, which seeks to amend Termination Events (g) and (ga) so that it only applies to CMUs that are subject to a Capacity Obligation for that Delivery Year. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 3.1 The CM Rules currently include Termination Events (g) and (ga) under Rule 6.10.1, which require Capacity Providers to maintain transmission entry capacity (TEC) for sites comprising multiple CMUs (CMUs) sharing a common grid Connection Agreement (GCA). Transmission entry capacity represents the maximum amount of electricity a Capacity Provider can export onto the National Electricity Transmission System (NETS) and is defined in the Connection and Use of System Code (CUSC). The cost of transmission entry capacity varies significantly depending on site size, location, and network upgrade requirements.
- 3.2 Under the current drafting, the term “any other CMUs” in Termination Events (g) and (ga) does not clarify whether it refers only to CMUs with effective Capacity Agreements or if it also includes CMUs without obligations. This ambiguity means that if transmission entry capacity is reduced to reflect a terminated or transferred agreement, the remaining operational CMUs could also be at risk of termination, even though they still hold valid Capacity Agreements. This creates unnecessary complexity and risk for Capacity Providers and could result in viable CMUs being removed from the market, reducing available capacity and potentially increasing costs for consumers.

Proposed Change

- 3.3 CP384 proposed to resolve this issue by clarifying that Termination Events (g) and (ga) apply only to CMUs that are “Capacity Committed CMUs,” meaning CMUs identified in the Capacity Market Register as being subject

⁸ [Termination Events 6.10.1 \(g\) & \(ga\) - Elexon CMAG](#)

to a Capacity Obligation for the relevant Delivery Year. This change ensures that transmission entry capacity requirements only apply to CMUs with active obligations, preventing unintended termination of agreements for CMUs that remain operational. The legal drafting achieves this by replacing “any other CMUs” with “any other Capacity Committed CMUs” in both Termination Events. The revised text also confirms that transmission entry capacity must be sufficient to cover the aggregate Capacity Obligations of all capacity committed CMUs under the shared grid Connection Agreement.

- 3.4 This clarification will allow Capacity Providers to reduce transmission entry capacity where appropriate without jeopardising agreements for other CMUs, while ensuring that all capacity committed CMUs maintain sufficient transmission entry capacity to meet their obligations.

CMAG Discussion

- 3.5 The CMAG secretariat highlighted that the current drafting of Termination Events (g) and (ga) creates ambiguity and risk for Capacity Providers managing transmission entry capacity across multiple CMUs under a shared grid Connection Agreement and members agreed to progress the proposal.
- 3.6 CMAG agreed that transmission entry capacity should cover the aggregate Capacity Obligations of capacity committed CMUs, rather than including CMUs without effective agreements. This approach ensures that transmission entry capacity requirements are proportionate and relevant to CMUs with active obligations.
- 3.7 CMAG also considered whether Termination Events (g) and (ga) could be merged to simplify the Rules. While some members suggested that (ga) might cover scenarios addressed by (g), others noted that the two provisions serve distinct purposes: (g) addresses cessation of transmission entry capacity, while (ga) addresses reductions in transmission entry capacity. DESNZ advised that merging these events could have unintended consequences and recommended retaining both provisions. CMAG agreed to maintain the separate events in the proposal but to clarify their scope by including the defined term “Capacity Committed CMUs.”

Minded-to position

- 3.8 Ofgem was minded to approve CP384 for implementation in our April 2026 Statutory Consultation, considering that the proposed change better facilitates the efficient operation and administration of the Capacity Market

by ensuring that Termination Events apply only to CMUs with active Capacity Obligations. This clarification will prevent viable CMUs from being removed from the market due to transmission entry capacity reductions associated with terminated agreements, thereby supporting security of supply and promoting investment in capacity. It also protects consumers by allowing transmission entry capacity to be released back into the market where appropriate, rather than being maintained unnecessarily.

- 3.9 The change does not introduce any adverse impacts on other industry codes, regulations, or consumer costs. It is expected to have minimal implementation impact, as no system changes are required and checks for compliance will continue to be performed manually by the Delivery Body. Ofgem therefore proposes to implement CP384 in full, including the revised legal text for Termination Events (g) and (ga), as set out in the Change Proposal Report.

Stakeholder feedback

Q1. Do you agree with the proposal to implement CP384, which clarifies Termination Events (g) and (ga) by specifying that TEC requirements apply only to Capacity Committed CMUs with active Capacity Obligations?

- 3.10 All nine respondents answering this question supported the proposals.

Q2. Do you have any comments on the proposed amendments to the legal text of Rules 6.10.1(g) and (ga), including the introduction of the defined term "Capacity Committed CMUs"?

- 3.11 No further comments were supplied.

Decision

- 3.12 We note the unanimous support of respondents for this proposal and that no substantive comments were received on possible changes from the consulted version.
- 3.13 We have therefore decided to proceed with CP384.

Rule Change

- 3.14 The following changes are proposed, shown as **redline** mark-up.

6.10.1 Termination Events

(g) where the Capacity Agreement relates to a Generating CMU or an Interconnector CMU, the Capacity Provider ceases to have a Grid Connection Agreement that secures Transmission Entry Capacity for each relevant Delivery Year at least equal to the De-rated Capacity of the Capacity Committed CMU and any other **Capacity Committed** CMUs to which the Grid Connection Agreement applies, except as a result of a failure by a Transmission Licensee to provide a connection point when required to do so in accordance with a valid Grid Connection Agreement;

(ga) where the Capacity Agreement relates to a Generating CMU or an Interconnector CMU, the Capacity Provider reduces the Transmission Entry Capacity secured by its Grid Connection Agreement for a relevant Delivery Year so that it is no longer at least equal to the aggregate of all Capacity obligations applying at any time in that Delivery Year in respect of:

(i) the CMU to which the Capacity Agreement applies, and

(ii) any other **Capacity Committed** CMUs to which the Grid Connection Agreement applies, except where such a reduction in Transmission Entry Capacity arises as a consequence of a failure by a Transmission Licensee to provide a connection point when required to do so in accordance with a valid Grid Connection Agreement;

4. CP385 – Update to Load Following Capacity Obligation Calculation Inputs⁹

Section summary

In this section, we outline the intent of CP385 which amends how load following Capacity Obligation (LFCO) is calculated to use the term Reserve and Response (RaR) capacity rather than the term Reserve for Response (RfR) as this matches with the Electricity Capacity Report (ECR). We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 4.1 The CM Rules 8.5.3 details how to calculate the load following Capacity Obligation (LFCO). This calculation includes the term “Reserve for Response” (RfR), which is defined as the power in MW “which shall be published by the Delivery Body in the most recent electricity capacity report before the relevant Auction Window for the relevant Delivery Year.”
- 4.2 The intent is that reserve for response is capacity that is held back to cover large infeed losses on the system. However, the National Energy System Operator (NESO) holds Reserve and Response (RaR) capacity and states this within the Electricity Capacity Report (ECR), which contains the modelling used to determine the capacity targets for the Capacity Market auctions. The terminology used in the Rules and those currently used in practice are not aligned.
- 4.3 This is an issue as it could affect the understanding by Capacity Providers of their obligation during a System Stress Event. Further, to introduce additional clarity into the Rules and to avoid any future issues, the RaR figure used within the LFCO calculation should be defined as the one published in the most recent Electricity Capacity Report containing that Delivery Year.

⁹ [Termination Events 6.10.1 \(g\) & \(ga\) - Elexon CMAG](#)

Proposed Change

- 4.4 CP385 simply proposed to amend the load following Capacity Obligation calculation to use the term “RaR” instead of the previously used term “RfR” to make it clearer which figure from the Electricity Capacity Report should be used in the calculation. It also proposed to amend Rule 8.5.3 to make it clearer which “RaR” value is to be used for a given Delivery Year.

CMAG Discussion

- 4.5 CMAG discussed whether the term “RfR” had changed as it now appeared as “RaR” in the Electricity Capacity Report. NESO said that they were using “RaR” as it was a more accurate term, but acknowledged that this did not match the term used in the CM Rules.
- 4.6 NESO also said there were issues with the current wording within Rule 8.5.3 (which defines how to calculate load following Capacity Obligation) and highlighted that there is ambiguity as to when the Electricity Capacity Report applies. The lack of certainty on whether the load following Capacity Obligation calculation would occur before the relevant auction window or before the relevant Delivery Year could mean that it may be calculated before an application window.
- 4.7 CMAG acknowledged that the reserve could still be deployed during a System Stress Event and proposed the following amendments to the CM Rules:
- Updating the term used in the load following Capacity Obligation calculation to be “RaR” as well as its definition in the legal text;
 - Introducing wording into the legal text to clarify that the applicable “RaR” is the one published in the most recent ECR that contains that Delivery Year.

Minded-to position

- 4.8 Ofgem was minded to approve CP385 for implementation in our April 2026 Statutory Consultation, considering that the proposed changes will support the efficient operation and administration of the Capacity Market by removing a misalignment between the established rules and actual practice.
- 4.9 The change is expected to have a low implementation impact on the Delivery Body assurance function. No additional costs are anticipated to be introduced for Industry, Delivery Body, settlement bodies or consumers. No

system changes are required, and the amendments do not affect other central industry frameworks or obligations, as the change is self-contained within the CM Rules. Ofgem therefore proposes to implement CP385 in full.

Stakeholder feedback

Q1. Do you agree with the proposal to implement CP385, which clarifies how to calculate Load Following Capacity Obligation (LFCO)?

4.10 All ten respondents answering this question supported the proposals.

Q2. Do you have any comments on the proposed amendments to the legal text of Rule 8.5.3 or the accompanying equation?

4.11 One respondent noted that it can be challenging to identify the correct RaR figure and NESO should be encouraged to publish the RaR figure at the start of the Delivery Year. We note this point and it will be fed back to NESO via the Delivery Body.

Decision

4.12 We note the unanimous support of respondents for this proposal and that no changes were suggested to the consulted version.

4.13 We have therefore decided to proceed with CP385.

Rule Change

4.14 The proposed solution is to update the equation in Rule 8.5.3 to the following:

4.15 In addition, the text for Rule 8.5.3 will be amended as follows, shown as redline mark-up:

8.5.3 Load Following Capacity Obligation (LFCO)

~~RfR~~ RaR is the reserve ~~for~~ and response amount ~~for largest loss~~ (in MW) which shall be published by the Delivery Body in the most recent Electricity Capacity Report ~~that includes an RaR value prior to the relevant Auction Window~~ for the relevant Delivery Year.

5. CP386 – Alignment of Metering Test Processes, DSR Delivery Periods, and Terminology¹⁰

Section summary

In this section, we outline the intent of CP386 which addresses minor issues observed after the implementation of CP373. CP373, implemented in 2024, transferred roles and responsibilities from the Delivery Body to the Settlement Body for metering aggregation, Metering Assessment, Metering Test and Demand Side Response component reallocation to reduce complexity and cost. Since the implementation of this change, it has been noted that some minor inconsistencies remained in the rules which this new change proposal CP386 seeks to address. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 5.1 Following the implementation of CP373, some inconsistencies now exist within the CM Rules that create confusion for Capacity Providers and introduce unnecessary administrative burden. Specifically, conflicting responsibilities for initiating Metering Tests, outdated submission requirements for Demand Side Response test metering information, and inconsistent terminology regarding Metering Test Certificates have led to a lack of clarity and potential misinterpretation.
- 5.2 Rule 8.3.3(c) now states that the Settlement Body will notify the Capacity Provider and Delivery Body whether the metering arrangements for a CMU will be subject to a Metering Test, but Rule 13.3.2(a) still requires Capacity Providers who are subject to a Metering Test to notify the Settlement Body.

Proposed Change

- 5.3 CP386 proposes that, given that the Settlement Body now requests Metering Tests, it is unnecessary for the Capacity Providers to inform the Settlement Body and Rule 13.3.2(a) can therefore be omitted. It also proposes changing the language in Rule 8.3.3(e) from “a Capacity Provider must be awarded a Metering Test Certificate” to “a Capacity Provider must

¹⁰ [Alignment of Metering Test Processes, DSR Delivery Periods and Terminology - Elexon CMAG](#)

obtain a Metering Test Certificate” to make it clear that it is the responsibility of the Capacity Provider.

CMAG Discussion

5.4 The CMAG Secretariat noted that although CP373 implemented key changes, some consequential amendments to the CM Rules were not made, including:

- Identifying who is responsible for initiating a Metering Test;
- The notification to the Delivery Body of Metering Test outcomes;
- The timeframe for Demand Side Response CMUs to submit metering information; and
- The process for issuing a Metering Test Certificate.

Minded-to position

5.5 Ofgem was minded to approve CP386 for implementation in our April 2026 Statutory Consultation. We considered that the proposed changes will support the efficient operation and administration of the Capacity Market by removing inconsistencies and outdated provisions associated with the earlier implementation of CP373 that create confusion for Capacity Providers and introduce unnecessary administrative burden.

5.6 The change is expected to have a low implementation impact and would not introduce additional costs for the Industry, the Delivery Body, settlement bodies and consumers. No system changes are required, and the amendment does not affect other central industry frameworks or obligations, as the change is self-contained within the CM Rules. Ofgem therefore proposes to implement CP386 in full.

Stakeholder feedback

Q1. Do you agree with the proposal to implement CP386, which removes inconsistencies and outdated provisions associated with the earlier implementation of CP373?

5.7 All twelve respondents answering this question supported the proposals.

Q2. Do you have any comments on the proposed amendments to the CM Rules, including the omission of Rule 13.3.2(a) and the amendments to Rule 8.3.3(e)?

5.8 No respondents submitted any comments suggesting changes to the text.

Decision

- 5.9 We note the unanimous support of respondents for this proposal and that no changes were suggested to the consulted version.
- 5.10 We note the issues raised by CMAG which were outside the scope of CP386 to resolve.
- 5.11 We have therefore decided to proceed with CP386.

Rule Change

- 5.12 The following changes are proposed, shown as **redline** mark-up:

[Rule 13.3.2(a) will be deleted:]

13.3.2 A Capacity Provider for a CMU that is subject to a Metering Test must:

(a) ~~omitted; notify the CM Settlement Body that it requires a Metering Test to be carried out with respect to that CMU; and~~

(b) ~~at the same time,~~ submit a Metering Statement setting out the Metering Configuration Solution that each Generating Unit or DSR CMU Component comprised in the CMU, or the Electricity Interconnector comprised in the Interconnector CMU, is to be tested against.

[Rule 8.3.3(e) will be amended to read:]

8.3.3 (e) The date by which a Capacity Provider must ~~be awarded~~ **obtain** a Metering Test Certificate where required to do so under Rule 8.3.3(d) is: [...].

6. CP387 – Metering Assessment Deadlines¹¹

Section summary

CP387 seeks to resolve the deadline misalignment for Metering Assessment in the CM Rules. A new Rule is proposed to address this misalignment by specifying when a Metering Assessment must be completed, thereby providing clarity for Capacity Providers. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 6.1 The CM Rules require Capacity Providers to provide a Metering Assessment for each of their CMUs to the Settlement Body. However, the CM Rules currently have different deadlines for when a Capacity Provider must complete this Metering Assessment, with some Rules stating it must be completed by the long stop date (LSD), while others state it must be completed within the period given on the Notice of Intention to Terminate (NIT) deadline.
- 6.2 Rule 8.3.3 states that the deadline for providing a Metering Assessment for a prospective CMU is “as soon as reasonably practicable [...] and in any event no later than the Long Stop Date”. However, the rules in Section 6.8 state that, if a Capacity Provider fails to meet their Minimum Completion Requirement by the long stop date, which includes providing their Metering Assessment under Rule 8.3.3, the Delivery Body is required to issue a Notice of Intention to Terminate, which can state that the Minimum Completion Requirement must then be met within 20 working days (for New Build CMUs with T-1 agreements) or 120 working days (for other New Build CMUs).
- 6.3 It is therefore unclear whether a Metering Assessment must be provided by the long stop date, as stated in Rule 8.3.3 or whether it may be provided within the 20/120 working day window after the long stop date given on the Notice of Intention to Terminate.

¹¹ [Metering Assessment Deadlines - Elexon CMAG](#)

Proposed Change

- 6.4 CP387 proposes to resolve this issue by introducing a new Rule (Rule 8.3.3(k)) together with amendments to Rules 8.3.3(ba), 8.3.3(e)(iv), 8.3.3(h)(iv)(bb) and 13.3.2A(e). The new Rule will clearly define that where a Notice of Intention to Terminate has been issued under Rule 6.8.2, the Metering Assessment may be completed within the corresponding Notice of Intention to Terminate deadline. The new Rule and corresponding amendments will clarify when Capacity Providers can and should obtain a Metering Assessment and will remove ambiguity between the long stop date and Notice of Intention to Terminate deadlines.

CMAG Discussion

- 6.5 To resolve the misalignment in Metering Assessment deadlines, CMAG discussed a proposal to introduce a new Rule (Rule 8.3.3(k)), which will allow Metering Assessment to be completed by the Notice of Intention to Terminate deadline, where a Notice of Intention to Terminate has been issued. Under Rule 8.3.3(k), Capacity Providers would be allowed to complete the Metering Assessment, and if required provide a metering statement and Metering Test, within the applicable Notice of Intention to Terminate deadlines as specified in Rule 6.8.2F and Rule 6.8.2.
- 6.6 CMAG members agreed that introducing a new Rule would resolve the Metering Assessment misalignment and agreed that the new Rule (8.3.3(k)) should be referenced in the other affected Rules (8.3.3(ba), 8.3.3(e)(iv), 8.3.3(h)(iv)(bb), 13.3.2A(e)).

Minded-To-Position

- 6.7 We outlined our minded-to position regarding CP387 in our April 2026 Statutory Consultation. Taking into consideration the discussion by the industry through CMAG, we were minded to approve the proposed changes as the changes will support the efficient operation and administration of the Capacity Market by clarifying when Metering Assessments must be completed. Introducing an aligned deadline will give Capacity Providers greater clarity regarding their responsibilities and will help ensure that Metering Assessments are obtained in a consistent manner.
- 6.8 The change is expected to have a low implementation impact and would not introduce additional costs for the industry, Delivery Body, settlement bodies and consumers. No system changes are required, and the amendment do

not affect other central industry frameworks or obligations, as the change is self-contained within the CM Rules. Ofgem’s minded to position as stated in the consultation was therefore to implement CP387 in full, including the introduction of new Rule 8.3.3(k) and the revised legal text to Rules 8.3.3(ba), 8.3.3(e)(iv), 8.3.3(h)(iv)(bb) and 13.3.2A(e), as set out in the Change Proposal Report

Stakeholder feedback and our response

Q1: Do you agree with the proposal to implement CP387, which resolves the misalignment of Metering Assessment deadlines in the CM Rules by clarifying when Metering Assessments must be completed by Capacity Providers?

- 6.9 All eleven respondents answering this question agreed with the proposal to implement CP387.

Q2: Do you have any comments on the proposed amendments to the CM Rules, including the introduction of new Rule 8.3.3(k) and the associated changes to Rules 8.3.3(ba), 8.3.3(e)(iv), 8.3.3(h)(iv)(bb), and 13.3.2A(e)?

- 6.10 One respondent raised a concern regarding the drafting of new Rule 8.3.3(k), noting that “Operational” is a defined term in the CM Rules and that a Metering Assessment is a separate requirement to being operational when meeting the Substantial Completion Milestone or Minimum Completion Requirement.
- 6.11 We note this concern and agree that the current drafting of Rule 8.3.3(k) may be misleading, as it could be interpreted as linking completion of a Metering Assessment to being “Operational”. “Operational” is a defined term within the CM Rules and the Metering Assessment, metering statement and Metering Test are separate requirements. We agree and have amended the consulted Rule 8.3.3(k) to clarify this distinction, as reflected in the Rule Change section.

Q3: Do you foresee any unintended consequences or operational challenges arising from aligning Metering Assessment deadlines with the Notice of Intention to Terminate deadline?

- 6.12 One respondent noted that Capacity Providers may defer Metering Assessments where the period following a NIT provides operational

advantages, and recommended monitoring assessment timing following implementation, with a review if evidence of systematic deferral emerges.

Decision

- 6.13 We agree with all the respondents on the proposal to implement CP387, which resolves the misalignment of Metering Assessment deadlines in the CM Rules by clarifying when Metering Assessments must be completed by Capacity Providers.
- 6.14 We note the concern regarding the potential for unintended behaviour in the timing of Metering Assessments and recommend monitoring to ensure no systematic deferral emerges.
- 6.15 We have therefore decided to proceed with CP387.

Rule Change

- 6.16 The following changes to the CM Rules are proposed. These are shown as redline markup. Where further changes were made after the consultation these are indicated in the text but are also highlighted in purple.

Insert a new Rule 8.3.3(k) which sets out the requirements for Obligations of Capacity Providers regarding Metering and states that:

“where a Prospective CMU has been issued with a Notice of Intention to Terminate under Rule 6.8.2 then the Capacity Provider may complete a Metering Assessment and if required a Metering Statement and Metering Test to meet the requirements of 6.8.3(b), and if applicable, 6.8.3 (c) ~~in becoming Operational, as appropriate, within the 20 Working Day deadline specified under Rule 6.8.2F or the 120 Working Day deadline specified under Rule 6.8.2.”~~

- 6.17 Amend Rule 8.3.3(ba) which sets out the requirements for the Obligations of Capacity Providers regarding Metering and states that:

“if a Prospective CMU is awarded a Capacity Agreement then the Capacity Provider must, as soon as reasonably practicable after the CMU becomes Operational, and **subject to Rule 8.3.3(k)** not later than the Long Stop Date:

(i) omitted;

(ii) complete a Metering Assessment in relation to the CMU.”

- 6.18 Amend Rule 8.3.3(e)(iv) which sets out the requirements for the Obligations of Capacity Providers regarding Metering and states that:

“in the case of a Prospective CMU, as soon as reasonably practicable after the date on which the Capacity Provider receives notification under Rule 8.3.3 (d)(i), and **subject to Rule 8.3.3(k)** not later than the Long Stop Date;”

- 6.19 Amend Rule 8.3.3(h)(iv)(bb) which sets out the requirements for the Obligations of Capacity Providers regarding Metering and states that:

“as soon as reasonably practicable after the date on which the Capacity Provider receives a notification under Rule 8.3.3 (d)(i), and **subject to Rule 8.3.3(k)** not later than the Long Stop Date.”

- 6.20 Amend Rule 13.3.2A(e) which sets out the requirements for the Metering Test and states that:

“in the case of a Prospective CMU, as soon as reasonably practicable after the date on which the Capacity Provider receives notification under Rule 8.3.3 (d)(i), and **subject to Rule 8.3.3(k)** not later than the Long Stop Date.”

7. CP389 – Connection Capacity Review¹²

Section summary

This section contains questions asked at consultation stage and outlines the policy background for CP389, which seeks to make a series of changes to modify and clarify existing controls around how Connection Capacity is declared, including the need to declare Connection Agreements and declare Connection Capacity. We also provide our minded-to-position, stakeholder feedback and our final decision on this change proposal.

Background

- 7.1 Connection capacity is a fundamental measure of the size of infeed to the system that a party is able to provide, generally associated with the rights conferred under their Connection Agreement.
- 7.2 Rule 3.5 or Rule 3.5A require relevant applicants to submit their Connection Capacity at both a CMU and generating unit level prior to any capacity auction. All applicants that have a Capacity Committed CMU (i.e. a CMU that is subject to a Capacity Obligation) are Capacity Providers.
- 7.3 In a System Stress Event, Capacity Providers are required to deliver their Capacity Obligation which is a specified power output over the settlement periods in which the System Stress Event occurs. The size of this Capacity Obligation is determined by multiplying their Connection Capacity by the relevant De-Rating Factor, which also determines how much each Capacity Provider is paid over the length of a Capacity Agreement.

Proposed Change

- 7.4 Following the implementation of CP381 'Change to the definition of SCEC in Rule 3.5.5' in 2025, CMAG agreed to review the Connection Capacity provisions in Rule 3.5 of the CM Rules to ensure they were clear and fit for purpose.
- 7.5 The review considered allowing battery storage to self-nominate Connection Capacity in order to mitigate issues with battery degradation over time and also proposed allowing all generating units the option to nominate their own capacity. The battery storage issue has since been included in the DESNZ consultation (and government response to this) Capacity Market: proposed

¹² [Connection Capacity Review - Elexon CMAG](#)

changes for Prequalification 2026¹³. We reviewed the proposal to allow all generating units the option to nominate their own capacity but determined it to be a sufficiently consequential change to Capacity Market policy that it would have to be made by DESNZ. As a result, neither of these issues are included in this consultation.

7.6 The remaining issues considered in the review were as follows:

- In cases where the equation in Rule 3.5.5 is not used to determine the Connection Capacity, there is no requirement for an applicant to state in an application whether a Grid Connection Agreement or Distribution Connection Agreement covers one or more CMUs, which means in some cases the Delivery Body is not able to confirm compliance with Rule 3.5.1A.
- Rule 3.5.1A requires the apportionment of transmission entry capacity (TEC) or maximum export capacity (MEC) at a generating unit (GU) level, but there are cases where this value is not available.
- A typographical error has been identified in Rule 3.5.3.
- The equation in Rule 3.5.5 leads to the understatement of Connection Capacity per generating unit in some cases.
- Ofgem are also proposing to restore the original text of 3.5.2(c)(i) and (ii) which provide options for determining the Connection Capacity of generating units for prospective CMUs which have Connection Agreements which contain the relevant information, after NESO and DESNZ highlighted this omission. We have determined that these options were removed in response to a DESNZ consultation¹² but that this did not further the aims stated in the consultation and removed an option for prospective CMUs with relevant Connection Agreements that was still open to prospective CMUs without relevant Connection Agreements.

CMAG Discussion

7.7 CMAG developed a proposal that considered the following key areas:

¹³ [Capacity Market: proposed changes for Prequalification 2026 - GOV.UK](#)

7.8 Amendment of Rule 3.4.5 to ensure that the Delivery Body has access to all transmission entry capacity or maximum export capacity values.

Rule 3.4.5 requires that each application that is submitted to the Delivery Body must contain:

- the Connection Capacity of the CMU
- the Generating Technology Class of each generating unit within that CMU
- where the equation in Rule 3.5.5 is used to determine the Connection Capacity of a generating unit within a CMU, each CMU to which the relevant Grid Connection Agreement or Distribution Connection Agreement (as applicable) applies.

Rule 3.5.1A requires that the Connection Capacity of a CMU should not exceed the relevant transmission entry capacity or maximum export capacity and this information is detailed in Grid Connection Agreements or Distribution Connection Agreements. Currently, in cases where the equation in Rule 3.5.5 is not used to determine the Connection Capacity, there is no requirement for an applicant to state in an application whether a Grid Connection Agreement or Distribution Connection Agreement covers one or more CMUs, which means in some cases the Delivery Body is not able to confirm compliance with Rule 3.5.1A. A clarification to Rule 3.4.5 will specify that all CMUs are covered.

7.9 Substitution of Rule 3.5.1A to ensure a control is defined in all cases

The solution proposes to change the wording of Rule 3.5.1A to ensure that a suitable transmission entry capacity or maximum export capacity control is in place for all CMUs. The following changes are proposed:

- Removal of the requirement for transmission entry capacity or maximum export capacity to be determined at a generating unit level
- Addition of a requirement that the Connection Capacity of all generating units that are covered by a Grid Connection Agreement or a Distribution Connection Agreement must not exceed the transmission entry capacity or maximum export capacity specified in the relevant agreement. Note that where transmission entry capacity or maximum export capacity

change within a Delivery Year, the proposed solution specifies that the minimum value should apply.

- Addition of a reference to Delivery Years that acknowledges that the control applies across each Delivery Year and that the relevant variables may change between Delivery Years.

7.10 Amendment of Rule 3.5.3 to set Average Output at the Generating Unit level and not at the CMU level.

Rule 3.5.3 allows an applicant for an existing generating CMU to nominate a Connection Capacity for a generating unit equal to the average output of the existing generating CMU, but this would allow considerable overstatement of capacity for CMUs made up of multiple generating units. The solution amends Rule 3.5.3 so that an applicant for an existing CMU may nominate a Connection Capacity for a generating unit as equal to the average output of that generating unit.

Minded-to position

- 7.11 We were minded to approve CP389. We considered that the proposed changes improved the efficient operation and administration of the Capacity Market by modifying and clarifying existing controls and resulted in a more accurate depiction of the actual Connection Capacity of a CMU.

Stakeholder feedback and our response

Q.1 Do you agree with the proposal to implement CP389?

- 7.12 Six out of eleven responses were fully supportive of the proposal, highlighting efficiency and reduction of termination risk.
- 7.13 One stakeholder fully opposed the proposal, while two stakeholders supported the overall direction but highlighted areas for improvement, with one raising concerns regarding battery degradation and another considering the proposal beneficial but insufficient, recommending further simplification, i.e. *“Rule 3.5.2(a), which is the default method to calculate Connection Capacity for Transmission CMUs, does not work in practice as Grid Connection Agreements state TEC at a site level, not a Generating Unit level. This means that multi-unit sites are obliged to use Rule 3.5.5, which introduces additional complexity for applicants.”*
- 7.14 This response stated that CP389 reduces participation options, removes the route for BESS duration extensions to enter the Capacity Market, is seen as an

illogical constraint on Connection Capacity requirements, and could increase Capacity Market prices. The respondent assumes the same connection capacity can be counted twice by splitting one physical asset into multiple CMUs. CP389 is intended to ensure that nominated capacity reflects the project's actual connection capacity and avoids potential over-allocation of CM capacity against a single grid connection.

Q2. Do you have any comments on the proposed amendments to the CM Rules?

- 7.15 Five out of nine respondents fully supported the proposed changes. Within this group, one stakeholder identified an apparent error in the formula, recommending that this technical issue be corrected, although this did not affect their overall support for the proposal.
- 7.16 Two respondents expressed mixed support. While broadly supportive of the proposed direction, they raised concerns regarding the uncertainty of the potential impacts of the changes and highlighted that the proposal did not address the issue of battery storage self-nomination, suggesting that further consideration may be required in this area. We note that the determination of Connection Capacity for storage generating units under existing Delivery Body guidance is a separate matter from this proposal and reflects current DESNZ policy and operational practice¹⁴.
- 7.17 One respondent opposed the proposal, arguing that the changes were fundamentally flawed based on the reasons outlined in Q1 and therefore should not be progressed in their current form.

Q3. Do you foresee any unintended consequences or operational challenges arising from these changes?

- 7.18 Four respondents did not identify any unintended consequences, suggesting that they considered the proposal to be proportionate and unlikely to result in adverse outcomes.
- 7.19 Four respondents highlighted potential unintended consequences or areas requiring further consideration. One respondent identified broader negative consequences, expressing concerns about the overall impact of the changes. All

¹⁴ [capacity-market-proposed-changes-for-prequalification-2026-gov-response.pdf](#)

the other unintended consequences came from supportive responses who underlined specific aspects for consideration.

- 7.20 One respondent noted that the current approach could result in a reduction in the overall De-rated Capacity of a site and an underestimation of its true deliverable capacity, potential affecting the accurate reflection of available capacity. This point has been carefully considered; however, we are satisfied that the proposed methodology remains appropriate, as it provides a consistent framework that better aligns with the intended policy objective and overall system integrity.
- 7.21 Finally, one stakeholder's feedback highlighted that the issue of battery storage technologies being permitted to self-nominate remains unresolved. This point was noted in our Consultation as being subject to a separate DESNZ consultation and may in fact require further consideration outside the scope of these proposals.

Decision

- 7.22 We have decided to proceed with this proposal.
- 7.23 Whilst some respondents identified potential issues, these concerns related primarily to the need for further simplification, the treatment of battery storage generating technology self-nomination, and the potential for the current approach to underestimate true deliverable capacity in certain circumstances. The issue of battery storage self-nomination is considered to be out of scope of this CP and is a wider policy matter for DESNZ, as noted in paragraph 7.5. Overall, we consider that these concerns do not outweigh the benefits of the proposal.
- 7.24 We note the technical feedback received regarding the formula, which has now been reviewed and updated as reflected in the "Rule Change" section. Overall, we consider that the proposal remains the most appropriate approach to achieving the intended policy objective.

Rule Change

- 7.25 The following changes to the CM Rules are proposed. These are shown as **redline markup**. Where further changes were made after the consultation these are indicated in the text but are also highlighted in **purple**.

Amend paragraph 3.4.5 to:

3.4.5 Statement as to Capacity

Each Application must specify:

(c) ~~in the case where Rule 3.5.5 applies~~, each CMU to which the relevant Grid Connection Agreement or Distribution Connection Agreement (as applicable) applies.

Substitute paragraph 3.5.1A with:

~~The total Connection Capacity of one or more Generating Units that are subject to the same Grid Connection Agreement or Distribution Connection Agreement and are comprised in one or more Generating CMUs must not exceed in any given Delivery Year the minimum Transmission Entry Capacity as set out in that Grid Connection Agreement for that Delivery Year or the minimum Maximum Export Capacity as set out in that Distribution Connection Agreement for that Delivery Year (as applicable).~~

~~The aggregate Connection Capacity of all Generating Units comprised in a Generating CMU must not exceed the sum of the Transmission Entry Capacity and Maximum Export Capacity (as applicable) which apply to each of the Generating Units comprised in that Generating CMU.~~

Amend paragraph 3.5.2(c) to:

(c) for a Generating Unit forming part or all of a Prospective Generating CMU which is a Distribution CMU:

(i) ~~omitted~~; *the registered capacity (or inverter rating, if applicable) for that Generating Unit stated in the Distribution Connection Agreement for that Generating Unit or in the written confirmation from the Distribution Network Operator provided pursuant to Rule 3.7.3(b)(ii) (as applicable); or*

(ii) ~~omitted~~; *where the Generating Unit does not have a Distribution Connection Agreement, the registered capacity (or inverter rating, if applicable) for that Generating Unit stated in the connection offer for that Generating Unit or in the written confirmation from the Distribution Network Operator provided pursuant to Rule 3.7.3(b)(ii) (as applicable); or [...]*

Amend paragraph 3.5.3 to:

An Applicant for an Existing Generating CMU may, as an alternative to the determination of Connection Capacity set out in Rule 3.5.2, nominate a

Connection Capacity for ~~that a~~ Generating Unit ~~comprised in that CMU that is~~ equal to the Average Output of that ~~Existing-Generating-CMU~~ Generating Unit.

Amend paragraph 3.5.5 to: 3.5.5

Subject to Rule 3.5.1A, an Applicant for a Generating CMU may, as an alternative to the determination of Connection Capacity set out in Rule 3.5.2 or 3.5.3, nominate a Connection Capacity for a Generating Unit comprised in that Generating CMU in accordance with following formula:

$$~~CC_i = UCECi / SCEC~~ \quad CC_i = (UCECi / SCEC) \times STEC$$

where:

CC_i is the Connection Capacity of Generating Unit "i";

STEC is: *STEC* (a) in the case of a Generating Unit which is part of a Transmission CMU, the Transmission Entry Capacity for the power station of which Generating Unit "i" is a component; or (b) in the case of a Generating Unit which is part of a Distribution CMU, the Maximum Export Capacity for the power station of which Generating Unit "i" is a component;

SCEC is:

(a) in the case of a Generating Unit which is part of a Transmission CMU:

- (i) the Connection Entry Capacity stated in the Grid Connection Agreement for the power station of which Generating Unit "I" is a component; or;
- (ii) the sum of the Connection Entry Capacities stated in that Grid Connection Agreement for each Generating Unit **that is part of any CMU in a given Delivery Year** which is a component of that power station;

(b) in the case of a Generating Unit which is part of a Distribution CMU:

- (i) omitted;
- (ii) the sum of the registered capacities (or inverter ratings, if applicable) stated in that Distribution Connection Agreement for each of the generating sets **that is part of any CMU in a given Delivery Year** comprised in that power station;

UCEC_i is:

Decision – Decision on Statutory Consultation on Capacity Market Rule Change Proposals 2026

(a) in the case of a Generating Unit which is part of a Transmission CMU, the Connection Entry Capacity stated in the Grid Connection Agreement for Generating Unit “i”; or

(b) in the case of a Generating Unit which is part of a Distribution CMU, the registered capacity (or inverter rating, if applicable) stated in the Distribution Connection Agreement for Generating Unit “i”;

“generating set” has the meaning given to it in the relevant Distribution Connection Agreement;

“power station” has the meaning given to it in the relevant Grid Connection Agreement or Distribution Connection Agreement as applicable.

8. CP390 – Simplifying the Reporting and Monitoring Provisions¹⁵

Section summary

This change proposal sets out a series of proposed changes to improve reporting and monitoring provisions for New Build and prospective CMUs. It updates the required construction milestones to accommodate for new technology types, improves date ranges provided in progress reports to provide clarity on when a CMU will be operational, and updates reporting provisions to ensure consistency with other CM Rules. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 8.1 The CM Rules currently require applicants of New Build or refurbishing CMUs to provide a construction plan at Prequalification, detailing the earliest and latest dates for achieving specific construction milestones under Rule 3.7.2(b). Once awarded a Capacity Agreement, these applicants become Capacity Providers (CPs) and must submit six-monthly progress reports under Rule 12.2.1(a), outlining milestone dates and explaining any material changes. Where reports indicate that the Substantial Completion Milestone (SCM) will not be met before the first day of the relevant Delivery Year (DY), the Delivery Body must request a remedial plan under Rule 12.2.4.
- 8.2 However, these provisions have become misaligned with operational realities. Current milestones are not technology-neutral, meaning that some milestones such as “First Firing Date” do not apply to certain Generating Technology Classes (GTCs) such as storage, creating confusion and unnecessary administrative burden. Reporting requirements are also inconsistent, as applicants provide earliest and latest dates at Prequalification, while Capacity Providers must report earliest, most likely, and latest dates in progress reports.
- 8.3 Furthermore, remedial plan requirements are misaligned with other CM Rules. At present, remedial plans must demonstrate that the Substantial Completion Milestone will be achieved by the first day of the Delivery Year, even though other rules allow the Substantial Completion Milestone to be achieved later, such as by

¹⁵ [Simplifying the Reporting and Monitoring Provisions in the CM Rules - Elexon CMAG](#)

the long stop date. This creates unrealistic expectations and impractical reporting obligations.

Proposed Change

- 8.4 To address these issues, CP390 proposes a comprehensive simplification and alignment of reporting and monitoring provisions. The proposal explicitly connects Rules 3.7.2(b) and 12.2.1(a) to ensure clarity and continuity between milestones provided at application and those monitored post-auction. Construction milestones will be simplified to make them chronological and technology-agnostic, removing redundant or overlapping items such as “First Firing Date” and “First Test Connection Date.”
- 8.5 Progress reports will replace date ranges with a single expected date per milestone, improving clarity and reducing subjectivity. Programme risk ratings will be introduced so that each milestone is tagged as “On track,” “Minor delay” (less than two months), or “Delayed” (more than two months), providing the Delivery Body with a clearer view of project status. Remedial plan requirements will be aligned with other CM Rules, focusing on achieving the Substantial Completion Milestone by the long stop date or meeting Minimum Completion Requirements rather than an unrealistic Delivery Year start date. The timeframe for submitting remedial plans will be reduced from 120 days to 20 working days, ensuring timely action and improved delivery assurance.
- 8.6 Legal text amendments include changes to Rule 3.7.2(b) to revise the milestone list and definitions, amendments to Rule 12.2.1(a) to replace date ranges with single dates and add risk ratings, the introduction of new Rule 12.2.1(ab) to include milestone status categories, and amendments to Rules 12.2.4 and 12.2.5 to align remedial plan requirements and reduce submission timeframes. These changes aim to reduce administrative burden, improve clarity, and enhance delivery assurance that prospective CMUs will meet their Capacity Obligations.

CMAG Discussion

- 8.7 Members examined the purpose and effectiveness of remedial plans and agreed that current remedial plans are too similar to six-monthly progress reports and overly focused on meeting an unrealistic Delivery Year start date, creating administrative burden and setting false expectations. CMAG supported aligning remedial plans with actual delivery timelines and long stop date provisions to make them more practical and meaningful.

- 8.8 The group also considered the simplification of construction milestones. Members endorsed making milestones chronological and technology-neutral, noting that current milestones such as “First Firing Date” are redundant or irrelevant for certain technologies. CMAG also supported replacing “earliest/latest/most likely” date ranges with a single expected date per milestone, improving clarity and reducing subjectivity. The introduction of milestone risk ratings was welcomed as a means to enhance monitoring and provide the Delivery Body with actionable insights. Members agreed that categorising milestones as “On track,” “Minor delay,” or “Delayed” would improve assurance and allow the Delivery Body to identify issues quickly.
- 8.9 The timeframe for submitting remedial plans was another key discussion point. CMAG unanimously supported reducing the submission window from 120 days to 20 working days, noting that remedial plans should be based on existing project documentation and that 120 days is excessive. Concerns were raised about how changes apply to unproven Demand Side Response CMUs, and it was clarified that these CMUs are currently subject to progress reporting and remedial plan requirements.

Minded-To-Position

- 8.10 We outlined our minded-to position regarding CP390 in our April 2026 Statutory Consultation. Taking into consideration the discussion by the industry through CMAG, we were minded to approve the proposed changes as the changes facilitate the efficient operation and administration of the Capacity Market by simplifying reporting requirements, improving clarity, and aligning monitoring provisions with operational realities. They also support Ofgem’s Principal Objective by enhancing delivery assurance and reducing delays in bringing new capacity online, ultimately providing better value for consumers. We do not anticipate any adverse impacts on security of supply, consumer costs, or other industry codes and regulations.
- 8.11 The change will require Capacity Providers to adapt their reporting processes and comply with revised timelines, but these adjustments are expected to be minimal and outweighed by the benefits of improved efficiency and clarity. Ofgem therefore proposes to implement CP390 in full, including the revised reporting and monitoring provisions and associated legal text. Note that we will update the proposed ITE reporting template for remedial plan progress to align with this change if it is approved.

Stakeholder feedback and our response

Q1: Do you agree with the proposal to implement CP390, which simplifies and aligns the reporting and monitoring provisions in the CM Rules to improve clarity and delivery assurance for Prospective CMUs?

8.12 Ten out of thirteen respondents agreed to the proposal to implement CP390, with several respondents noting the changes would improve clarity, strengthen delivery assurance, remove redundant reporting requirements and reduce administrative burden.

8.13 Three respondents did not support the proposal with one respondent highlighting that replacing date ranges with a single milestone date could reduce necessary flexibility in project delivery, given the uncertainty in timelines and factors outside the control of Capacity Providers.

We note this concern but consider that moving from date ranges to a single expected date improves clarity in reporting. This approach was supported in CMAG discussions, where members noted that a single milestone date would provide a clearer indication of project progress and improve the Delivery Body's ability to monitor Construction Milestones.

8.14 Two respondents raised concerns that the proposed remedial plan requirements may not fully reflect real world delivery constraints. They highlighted that the requirement to demonstrate accelerated delivery may be unrealistic where delays arise from factors outside the control of Capacity Providers, such as connection delays. Concerns were also raised concern that the removal of provisions such as "reasonable endeavours" may reduce flexibility in these circumstances.

We note this concern and agree that clarification is needed. We have amended Rule 12.2.4 to better reflect delays arising from connection delays. On the removal of "reasonable endeavours", we agree with CMAG discussions that the current wording sets a low and subjective standard and therefore support its removal.

8.15 Two respondents raised concerns that the proposed 20 working day submission timeframe for remedial plans is too short, particularly for complex projects requiring third party input, ITE engagement, or internal approvals. One respondent also considered that the requirement for ITEs to provide commentary on remedial plans should be removed if the submission window is reduced to 20 working days.

We consider the proposed 20 working days submission timeframe to be adequate, and we do not consider it necessary to remove the requirement for ITE commentary. 20 working days was supported through CMAG discussions, where members agreed that 120 days is excessive and that 20 working days represents a fair and proportionate timeframe, given that remedial plans should be based on existing project documentation

- 8.16 One respondent noted that the proposals do not fully address the underlying issue of non-provision, highlighting concerns about the lack of enforceability within the existing framework.

Q2: Do you have any comments on the specific changes to the legal text, including the amendments to Rules 3.7.2(b), 12.2.1(a), 12.2.4, and 12.2.5, and the introduction of Rule 12.2.1(ab) to include milestone risk ratings?

- 8.17 Six respondents supported changes to the legal text, while five respondents had comments on the amendments to the Rules under CP390.
- 8.18 One respondent noted that certain definitions and references in the CM Rules may become redundant as a result of the proposed changes in CP390 and suggested that these should be reviewed and removed or amended as part of housekeeping updates.
- 8.19 Two respondents raised concerns regarding the drafting of Rules 12.2.1(a) noting that the proposed amendment may create inconsistencies between the CM Rules and associated reporting requirements.

We note this concern and have amended Rule 12.2.1(a) to ensure consistency with other CM Rules, as reflected in the 'Rule Change' section.

- 8.20 Three respondents raised concerns regarding the drafting of Rule 12.2.4, noting that it may not be fully aligned with other requirements in the CM Rules. Respondents highlighted uncertainty in how remedial plan requirement is triggered, as well as ambiguity in the overall structure of the Rule. Concerns were also raised that Rule 12.2.4 does not reflect situations where delays arise outside the control of Capacity Providers and where acceleration may not be feasible in practice, such as connections delay, supply chain disruptions or third-party dependencies. It was also noted that it is unclear whether ITE commentary and director certificate were still required with a remedial plan.

We note the concerns regarding the drafting of Rule 12.2.4 and agree that clarification is needed. We have amended Rule 12.2.4 to align with other CM Rules and to clarify that accompanying ITE commentary and director certification remain required with a remedial plan. Concerns relating to connection delays have been addressed in our response to Question 1. For other delays outside the control of Capacity Providers, the amended Rule requires a remedial plan which demonstrates what steps can and will be taken to accelerate the programme, which we consider appropriate in addressing such circumstances.

- 8.21 Two respondents raised concerns that the proposed drafting does not fully reflect the intent in the consultation to replace date ranges with a single expected date, noting that some provisions continue to refer to multiple dates, which may reduce consistency.

We note this point, which was an omission in the consulted text, and have amended Rules 3.7.2(b) and 12.2.1(a), as reflected in the 'Rule Change' section.

Q3: Do you foresee any unintended consequences or operational challenges arising from the removal of date ranges in progress reports, the introduction of milestone risk ratings, or the reduction of the remedial plan submission window from 120 days to 20 working days?

- 8.22 Four respondents foresaw unintended consequences or operational challenges arising from the reduction of the remedial plan submission window from 120 days to 20 working days. Respondents highlighted that the shorter timeframe may be difficult to meet, particularly where third party or ITE input is required, as well as in more complex projects or where time constraints limit may the ability to prepare a robust remedial plan. Concerns were also raised that the reduced timeframe may lead to lower quality submissions or increased administrative burden.

We note this concern and have addressed it in our response to Q1 above.

- 8.23 Two respondents foresaw unintended consequences or operational challenges arising from the removal of "reasonable endeavours" in Rule 12.2.4, noting that this may lead to an increase in referrals to the Authority or Secretary of State where Capacity Providers are unable to demonstrate sufficient acceleration due to factors outside their control.

We note this concern and have addressed it in our response to Q1 above.

Q4 Do you have any views on the timing of implementation ahead of the 2026/27 Prequalification round, and whether this provides sufficient notice for Capacity Providers to adapt their reporting processes?

- 8.24 Eight out of twelve respondents supported implementation ahead of the 2026/27 Prequalification round.
- 8.25 Three respondents noted that the proposed implementation timeline may require delivery at pace, increasing delivery risk. Respondents highlighted that successful implementation would depend on the Delivery Body ensuring that system and portal changes are completed and fully tested ahead of the Prequalification window.
- 8.26 Three respondents highlighted the need for clear guidance and communication from the Delivery Body to support Capacity Providers in adapting to the new reporting requirements.

Decision

- 8.27 We agree with the majority of the respondents on the proposal to implement CP390, which simplifies reporting requirements, improves clarity, and aligns monitoring provisions with operational realities.
- 8.28 We note stakeholder feedback identifying potential housekeeping updates, as well as concerns that the proposals may not fully address issues relating to non-provision, which we consider fall outside the scope of CP390. We recommend that CMAG consider these as part of ongoing housekeeping and any further changes to improve delivery assurance.
- 8.29 We note stakeholder concerns on the drafting of 12.2.1(a) and 12.2.4 and agree that the consulted Rules should be amended to improve clarity, consistency and alignment with other requirements in the CM Rules. These amendments are reflected in the 'Rule Change' section.
- 8.30 We agree with respondents on the need for clear guidance and support to facilitate implementation of the new and amended Rules and recommend that the Delivery Body publish updates to Prequalification guidance and Progress Report processes.
- 8.31 We agree with the majority of the respondents that implementation of CP390 ahead of the 2026/27 Prequalification round provides sufficient notice for Capacity Providers to adapt their reporting processes.

8.32 We have therefore decided to proceed with CP390.

Rule Change

8.33 The following changes to the CM Rules are proposed. These are shown as **redline markup**. Where further changes were made after the consultation these are indicated in the text but are also highlighted in **purple**:

[Amend Rule 3.7.2(b)]

Rule 3.7.2 (b)

3.7.2 Construction Plan

Each Applicant for a New Build CMU must state in the Application:

(b) a schedule identifying **the earliest and latest** dates for achieving the following Construction Milestones:

(i) **Financial Commitment Milestone;**

(ii) **Commencement of construction works;**

(iii) **Completion of construction works;**

(iv) **Achievement of Substantial ~~Commitment~~ Completion Milestone**

~~(i) commencement of construction works;~~

~~(ii) achievement of the Back-feed Milestone; and~~

~~(iii) achievement of the Substantial Completion Milestone;~~

~~(iv) Major Contract Date;~~

~~(v) Completion of Main Foundations;~~

~~(vi) First Delivery Date (or, in the case of an Interconnector CMU, Commencement of Cable Laying); and~~

~~(vii) First Firing Date (or, in the case of an Interconnector CMU, First Test Connection Date);~~

~~where for that purpose:~~

~~“Major Contract Date” means the date on which a Major Contract (or, where applicable, Relevant Contract) is to be entered into that will be legal, valid and~~

~~binding and in full force and effect in accordance with its terms, with counterparties who will be able to perform their obligations under the contract;~~

~~“Completion of Main Foundations” means the completion of foundations and floor slabs to an extent that will enable the start of structural construction work;~~

~~“First Delivery Date” means the date that a turbine or generator comprised in the Core Generating Plant is first delivered to the construction site;~~

~~“Commencement of Cable Laying” means the date on which the first section of cable is laid in its final position;~~

~~“First Firing Date” means the date that a turbine or generator comprised in the Core Generating Plant is first started during the commissioning of a Generating Unit;~~

~~“First Test Connection Date” means the date on which electricity is first transmitted over the Electricity Interconnector at the operational voltage.~~

[Amend Rule 12.2.1]

Chapter 12: Monitoring

12.2.1 The Capacity Provider of any Prospective CMU must, no less frequently than every six months from the first 1st of June after the Capacity Market Agreement was awarded until such time as the Substantial Completion Milestone is achieved, or the Capacity Agreement terminates or a Non-completion Notice is issued, deliver to the Delivery Body a progress report specifying, for each Generating Unit or Electricity Interconnector comprising such CMU:

(a) a schedule identifying the ~~earliest and latest dates on which SCM is expected to be achieved, and date~~ each Construction Milestone ~~earliest and latest dates on which each of the Construction Milestones are then~~ as stated under Rule 3.7.2(b) is expected to be achieved ~~and in each case the most likely date within the specified range~~, with an explanation of any material change in such dates since the last report (where more than one reason is provided, must include a breakdown of the contributing factors and an estimate of the proportion of the delay attributable to each factor) ~~(where for that purpose a change in date is “material” when the new date is at least two months later than the date stated under Rule 3.7.2(b), and an explanation which gives more than one reason for the change must include an estimate of how much of the change is attributable to each reason);~~

(aa) an overarching non-technical summary of progress in relation to each such Generating Unit or Electricity Interconnector; and

(ab) an overarching non-technical summary of progress in relation to each Construction Milestone under Rule 3.7.2(b) describing if a Milestone is:

(i) On track: the Construction Milestone dates remain on track and have not changed since the last progress report, or, if this is the first progress report, Application;

(ii) Minor delay: a Construction Milestone date is expected to be subject to a minor delay of less than two months; and

(iii) Delayed: a Construction Milestone is expected to be delayed by more than two months.

[Amend Rule 12.2.4]

12.2.4 When a progress report details the date on which a Prospective CMU will ~~be operating~~ meet its Substantial Completion Milestone which is later than the first day of the relevant Delivery Year the Delivery Body must request the Capacity Provider to provide it with a remedial plan. The remedial plan must ~~which demonstrates what that~~ steps can and will be taken to accelerate the programme to meet the Substantial Completion Milestone for the first day of the relevant Delivery Year, and such that ~~this the~~ expected date for the Prospective CMU ~~be operating~~ is no later than the Long Stop Date, or will meet the Minimum Completion Requirement within the Notice of Intention to Terminate period

Where the Substantial Completion Milestone is delayed solely due to a failure by the System Operator, Transmission Licensee or the relevant Distribution Network Operator (or their subcontractors, excluding the Capacity Provider or any member of its Group) to provide an active connection point in accordance with a valid Grid Connection Agreement or Distribution Connection Agreement (as described in Rule 6.7.7), the remedial plan must reflect the impact of such delay on the Substantial Completion Milestone.

~~Where it is apparent from a progress report that the latest date on which a Prospective CMU is expecting to achieve the Substantial Completion Milestone is later than the first day of the relevant Delivery Year, the Delivery Body must request the Capacity Provider to provide it with a remedial plan which demonstrates that steps can and will be taken to accelerate the programme such that the latest date on which the Substantial Completion Milestone is expected to~~

~~be reached is the first day of the relevant Delivery Year. The relevant Capacity Provider must use all reasonable endeavours to provide a remedial plan meeting such requirements~~ and . The remedial plan must be accompanied by:

- (a) a commentary from an Independent Technical Expert addressing whether the remedial plan is achievable; and
- (b) a certificate from two directors of the Capacity Provider (or officers, in the case of a Capacity Provider other than a company) stating that they believe the remedial plan is fair and achievable.

[Amend Rule 12.2.5]

12.2.5 A Capacity Provider must provide a remedial plan where requested by the Delivery Body as soon as reasonably practicable and in any event within no more than ~~120 days~~ 20 Working Days. Where a Capacity Provider fails to provide a remedial plan meeting the requirements of Rule 12.2.4 (or the accompanying commentary and certificate), the Delivery Body must notify the Secretary of State and the Authority.

- 8.34 Lastly, a minor change was noted in Rule 7.4.5 (j)(iv) that is necessary for alignment with the CP390 solution as follows:

[Amend Rule 7.4.5]

7.4.5 By no later than 5 Working Days after the date of issue of a Capacity Agreement Notice for a Capacity Committed CMU:

- (j) in relation to each Capacity Committed CMU which is a Prospective CMU:
 - (iv) whether the Capacity Provider is subject to a requirement to meet the Substantial Completion Milestone in accordance with Rule 6.7 and, if so, the ~~earliest and latest~~ dates on which the Substantial Completion Milestone is expected to be met (as provided by Capacity Providers under Rule 12.2.1(a);

9. CP392 – Amendments to enable Asset Metering & ensure Delivery Assurance¹⁶

Section summary

In this section we outline questions asked at consultation stage and the policy background of CP392, which seeks to address the significant operational bottleneck for testing that would arise from reliance on the bespoke metering configuration solution, as domestic Demand Side Response participation increases in the Capacity Market. This change enables the use of Balancing and Settlement Code compliant metering as a new metering option within the Capacity Market. CP392 proposes a new definition for asset metering systems and amendments to the supplier settlement metering configuration definitions. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 9.1 The requirements for half hourly settlement at associated boundary point metering systems (BPMS) created a barrier for many domestic consumers looking to participate in certain markets, including the Capacity Market. The implementation of P483 modification¹⁷ to the Balancing and Settlement Code (BSC) on 27 November 2025 removed the half hourly settlement requirement for associated boundary point metering systems. As a result, a significant increase in domestic Demand Side Response (DSR) components participating in the Capacity Market is expected.
- 9.2 These expected large volumes of Demand Side Response components will be required to undertake Metering Tests to guarantee their required De-rated Capacity to participate in the Capacity Market. The current Capacity Market metering framework uses the bespoke metering configuration solution (BMCS), which requires applicants or Capacity Providers to manually collate and submit metering data for testing and assurance, and this data is not validated by an independent qualified agent.
- 9.3 Manual processing through the bespoke metering configuration solution is not capable of supporting the hundreds of thousands of Demand Side Response components that may seek to participate in the Capacity Market

¹⁶ [Amendments to enable Asset Metering and ensure delivery assurance - Elexon CMAG](#)

¹⁷ [P483 Modification](#)

following the implementation of P483. Without changes to the CM Rules, reliance on the bespoke metering configuration solution as the only option for Metering Testing and assurance would add significant administrative cost to applicants, Capacity Providers and scheme administrators.

Proposed Change

- 9.4 CP392 proposes that the CM Rules be amended to enable the use of Code of Practice (CoP) 11¹⁸ compliant asset metering systems as an additional metering solution in the Capacity Market. Under the CoP 11 metering process, a Capacity Market Metering Test is not required because meter readings are collected, processed and assured independently by Balancing and Settlement Code qualified agents. CoP 11 meters are installed, commissioned and read by agents who are subject to the Balancing and Settlement Code performance assurance framework (PAF), and this is expected to improve metering assurance and the quality of metering data submitted for settlement.
- 9.5 The use of CoP 11 metering will reduce reliance on the manual bespoke metering configuration solution, improving efficiency and reducing operational burden on all participants. Capacity providers who did not wish to use CoP 11 metering would still be able to use the bespoke metering configuration solution, although it is expected to be less efficient for high volumes of domestic Demand Side Response components.
- 9.6 CP392 will introduce a new definition in Rule 1.2 for “Asset Metering Systems” in the CM Rules, using the meaning given in the Balancing and Settlement Code. To recognise that the Rules now include metering installed by Balancing and Settlement Code parties other than suppliers, it will broaden the definition of “Supplier Settlement Metering Configuration Solution” to include “Asset Metering Systems” and reflect changes to market wide half hourly settlement (MHHS). It will also amend “Supplier Settlement Metering Configuration Solution” to “BSC Settlement Metering Configuration Solution” in the definitions of “Governing Documents” and “Metering Configuration Solution”. CP392 will also amend reference of “Supplier” to “BSC” in Rule 3.6.1(b).

¹⁸ [Code of Practice 11](#)

- 9.7 Ofgem also proposes to remove (a)(i) from the definition of Governing Documents, as short term operating reserve was retired in March 2026.

CMAG Discussion

- 9.8 At the time of these discussions, P483 had not yet been implemented, but members acknowledged that its implementation would significantly increase participation of domestic Demand Side Response components in the Capacity Market. Members noted the bespoke metering configuration solution process would not be able to support the volume of Metering Tests required, creating a significant operational challenge under the current requirements.
- 9.9 CP392 was presented as an urgent change proposal to include asset metering within the CM Rules, in order to reduce operational burden on all participants and ensure compliance with market wide half hourly settlement.
- 9.10 Members discussed the definition of asset metering systems and confirmed that it cross references several sections of the Balancing and Settlement Code and relevant CoP. It was noted that CoP 11 compliant metering would prevent the system from becoming overwhelmed by Metering Tests for bespoke metering configuration CMUs and improve operational efficiency. It was also confirmed that CP392 would apply to Demand Side Response CMUs adding components under Rule 8.3.4(e), with non- CoP 11 meters subject to the new requirements.
- 9.11 Concerns were raised about operational challenges expected to arise from the increase in bespoke metering Demand Side Response components, noting that past instances showed that high volumes create pressure on metering processes. CoP 11 metering was highlighted as a more scalable assurance route that provides fairer treatment for both smaller and larger Demand Side Response Capacity Providers.
- 9.12 Members asked for further assurance to confirm that CoP 11 metering provides an adequate level of delivery assurance when compared with bespoke metering. It was explained that CoP 11 meters are installed, commissioned and read by Balancing and Settlement Code qualified agents and are subject to the Balancing and Settlement Code performance assurance framework, therefore providing satisfactory assurance for the Capacity Market.

- 9.13 It was also noted that CP392 would utilise Balancing and Settlement Code governance and assurances rather than bespoke metering configuration solution option, which an applicant could still use. However, using CoP 11 compliant metering is considered significantly easier and expected to reduce operational burden on all participants.

Minded-to position

- 9.14 Ofgem was minded to approve CP392 in our April 2026 Statutory Consultation. Allowing CoP 11 compliant metering in the Capacity Market will reduce reliance on the bespoke metering configuration solution and avoid unnecessary Metering Tests. This change supports Ofgem’s Principal Objective by ensuring consumers are not burdened with additional administrative costs. It also supports the Capacity Market objective of promoting investment in capacity and facilitating the efficient operation and administration for Capacity Providers and delivery partners. No system changes are required but communication, guidance and training updates will be needed.
- 9.15 CP392 is not expected to have an impact on other industry frameworks. Ofgem therefore proposed to implement CP392 in full.

Stakeholder feedback

Q1. Do you agree with the proposal to implement CP392, which enables CoP 11 compliant metering to be used in the Capacity Market?

- 9.16 All ten respondents directly answering this question supported the proposals (although two further non-supportive replies did not answer this question specifically).
- 9.17 A number of respondents noted the need for a proportionate solution to increased DSR participation and that enabling CoP 11 compliant metering will reduce reliance on bespoke metering and lower administrative burden.

Q2. Do you have any comments on the proposed amendments to the CM Rules, including the new definition for asset metering systems in Rule 1.2 and amendments to the supplier settlement metering configuration definitions and Rule 3.6.1(b)?

- 9.18 One respondent noted that implementation of this proposal was supported to provide a more proportionate solution whilst maintaining delivery assurance.

Q3. Do you foresee any unintended consequences or operational risks arising from the use of CoP 11 compliant meters in the Capacity Market?

- 9.19 One respondent noted that in order for the Capacity Market to remain a level playing field between different technologies, and crucially to ensure that capacity can be relied upon to deliver in a stress event, it is important that DSR is held to the same high standards of assurance as all other types of CMU.
- 9.20 Another respondent noted that given the investment made by companies to deploy CoP 11 compliant meters, this should become the default route for distributed assets and use of the BMCS.

Q4. Do you have any comments on what support, guidance or clarification Capacity Providers may require to effectively use CoP 11 compliant metering as a metering option in the Capacity Market?

- 9.21 A number of respondents noted that it would be beneficial if guidance on CoP 11 specific for Capacity Market participation could be provided by Elexon. Any guidance should emphasise that asset metering is available at different asset sizes and accuracy criteria.
- 9.22 Another respondent noted in addition that the simplest process may be for Capacity Providers to declare a meter as CoP 11-qualified, with verification via the Elexon register.

Additional comments from stakeholders

- 9.23 Two respondents who did not support the proposals submitted detailed comments not specific to any of the questions.
- 9.24 Both agreed that the implementation of modification P483 to the BSC, if it allows participation of non-half hourly metered DSR units in the Capacity Market, will lead to a significant increase in DSR participation in the Capacity Market and that without the CM Rules change these DSR CMUs would need to use the bespoke metering configuration solution, significantly increasing demand for Metering Tests.

- 9.25 The respondents noted that it would be clearly unacceptable for the Metering Test process to be log jammed due to mass Metering Test requests from small DSR – therefore if these units are to participate in the Capacity Market some form of change to process is likely to be required - but could not offer a view on the delivery assurance offered by CoP 11, as opposed to other routes.
- 9.26 More generally both respondents noted that it is imperative that DSR Capacity Providers are held to the same standard of physical delivery in the CM as other Capacity Providers but that the absence of half hourly metering under CoP 11 would mean that there is no guarantee of a physical response in the event of a System Stress Event, undermining the integrity of the Capacity Market.
- 9.27 Both also noted longstanding issues with DSR delivery and questions over whether DSR is in effect duration limited in the same way as storage. They note these factors should support greater scrutiny of DSR participation in the Capacity Market, not less, and indicate that a review of appropriate and robust assurance is required.

Decision

- 9.28 We agree with the majority of respondents that this proposal, in allowing CoP 11 compliant asset metering systems, is a proportionate solution to increased DSR participation in the Capacity Market and avoids a Metering Test logjam.
- 9.29 We recommend that updated guidance on CoP 11 metering for use in the Capacity Market should be produced by Elexon.
- 9.30 We note the reservations expressed by some respondents on the need for a level playing field in the Capacity Market and their questions about the equivalence of DSR including its duration and its ability to respond during a System Stress Event. These questions would be better addressed as a matter of policy or within the calculations of derating factors.
- 9.31 We have therefore decided to proceed with CP392.

Rule Change

- 9.32 The following changes are proposed, shown as **redline mark-up**:
- 9.33 Introduce a new definition for Asset Metering Systems in a Rule 1.2 (Definitions):

Asset Metering System has the meaning given in the BSC

- 9.34 Broaden the definition of “Supplier Settlement Metering Configuration Solution” to include “Asset Metering Systems” and reflect changes to MHHS

~~**Supplier BSC Settlement Metering Configuration Solution** means a Metering System that uses a supplier’s Half Hourly Metering System by using Half Hourly Data Aggregators to collect metered data~~ means a supplier’s Metering System or Asset Metering System that can record UTC Period Level Consumption for use in Settlement, and for which UTC Period Level Consumption data is provided by a Half Hourly Data Aggregator, Half Hourly Data Collector or the Market-wide Data Service

- 9.35 Amend “Supplier Settlement Metering Configuration Solution” to “BSC Settlement Metering Configuration Solution” in the definitions of “Governing Document” and “Metering Configuration Solution” – and also remove references to STOR:

“Governing Documents means each of the following documents that are applicable to a Metering Configuration Solution:

(a) in respect of the Balancing Services Metering Configuration Solution:

- (i) ~~Short Term Operating Reserve—STOR Dispatch Procedure version 1.3;~~ omitted;
- (ii) ~~or~~ Frequency Control by Demand Management – the relevant bilateral agreement between the Generator and System Operator; or
- (iii) Firm Frequency Response – the relevant framework agreement or relevant bilateral agreement between the Generator and System Operator;

(b) in respect of the Bespoke Metering Configuration Solution, the Bespoke Technical Requirements;

(c) in respect of the **Supplier BSC Settlement Metering Configuration Solution**, the version of the BSC Metering Codes of Practice applicable at the date of installation of the Applicant’s/Capacity Provider’s Metering System”

Metering Configuration Solution means, as applicable, any one of the following:

- (a) Balancing Services Metering Configuration Solution;
- (b) Bespoke Metering Configuration Solution; or
- (c) **Supplier BSC Settlement Metering Configuration Solution”**

- 9.36 Amend reference of “Supplier” to “BSC” in Rule 3.6.1(b) which sets out the requirements for an Existing Generating capacity market unit on Previous Settlement Period performance and states that:

3.6.1(b) Each Applicant for an Existing Generating capacity market unit that is a Non-CMRS Distribution capacity market unit using the ~~Supplier~~ **BSC** Settlement Metering Configuration Solution must provide

10. CP393 – Full Review of Exhibits¹⁹

Section summary

In this section we outline questions asked at consultation stage and the policy background of CP393, which updates the text and format of all the exhibits contained within the CM Rules to improve clarity and efficiency, and introduces a requirement that text in the exhibits may only be added or altered where clearly instructed to do so. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 10.1 The Capacity Market exhibits are a suite of standardised attachments referenced throughout the CM Rules and used by applicants and Capacity Providers to submit declarations and supporting information at key stages of participation in the Capacity Market process, including Prequalification, auction participation, agreement management and delivery assurance. These exhibits are intended to provide clarity and consistency in submissions to the Delivery Body.
- 10.2 Over time, however, the layout and language of the exhibits have contributed to frequent errors and inconsistencies. Common issues include the use of optional text in square brackets, footnotes that were often overlooked or misinterpreted, and insufficiently precise descriptions. These issues have led to confusion, administrative overhead, and delays in processing applications. In the 2024 Prequalification round alone, over 300 rejections were recorded due to missing or incorrect exhibits, with Exhibit ZB accounting for 98 incorrect submissions, Exhibit ZA for 45, and Exhibits A and C combined for 27. Other Exhibits such as D, E, and J also saw multiple errors, highlighting the systemic nature of the problem.
- 10.3 Stakeholder feedback, including from applicants, the Delivery Body, legal advisors, consultants, and independent emissions verifiers, confirmed that the exhibits have become increasingly complex, inconsistent, and in some cases unfit for purpose. Several exhibits are rarely or never used in practice, raising questions about their necessity.

¹⁹ [Full Review of Exhibits - Elexon CMAG](#)

Proposed Change

- 10.4 CP393 delivers a full review and redrafting of all 19 Capacity Market exhibits (A–J, DA–DC, ZA–ZD, AA–AB) to improve clarity, consistency, and usability. The revised templates remove optional text and footnotes, standardise terminology, and align declarations with the CM Rules. Exhibit DB will be removed due to its limited use and unclear purpose. To ensure exhibits are submitted without alteration, a new Rule 1.6.1(c) will be introduced, requiring that any exhibit submitted to the Delivery Body must not contain amendments to the prescribed template text, with non-compliant submissions subject to rejection. Additionally, Rule 3.12.1 will be amended to include the word “complete” and clarify that copy documents must remain valid, reducing the risk of omission or invalid supporting evidence.
- 10.5 These changes will require that all Capacity Providers intending to make use of Rule 3.3.6A to reuse parts of a previous application will have to resubmit exhibits in the new format, as previously evergreen attachments will be invalidated, but they are expected to deliver long-term efficiency and reduce error rates.

CMAG Discussion

- 10.6 Discussions focused on the usability, clarity, and legal integrity of the current Exhibits and the operational implications of revising them.
- 10.7 Members agreed that exhibits should use exact wording from the CM Rules, remove optional deletions, and cross-reference relevant clauses to improve consistency and reduce ambiguity.
- 10.8 CMAG supported a one-off implementation of all revised exhibits to maintain consistency and avoid piecemeal updates. This approach aligns with Clause 3.3.6, which requires that changes invalidate previously evergreen attachments.
- 10.9 CMAG reviewed the relevance of Exhibit DB, which had not been used in recent Prequalification rounds. It was agreed that Exhibit DA already serves the intended purpose more effectively, and Exhibit DB should be removed. Members and the Delivery Body expressed a preference for transitioning to the new exhibit formats simultaneously to simplify compliance and reduce confusion.

Minded-to position

- 10.10 We outlined our minded to position regarding CP393 in the Statutory Consultation. Taking into account the discussion by industry through CMAG we were minded to approve this change for implementation ahead of the 2026/27 Prequalification round. We considered that the proposed changes facilitate the efficient operation and administration of the Capacity Market, by reducing error rates, improving clarity, and aligning exhibits with operational processes and do not introduce any adverse impacts on security of supply, consumer costs, or other industry codes and regulations.
- 10.11 It was acknowledged that these changes would mean that previous evergreen exhibits would have to be resubmitted with the new exhibit text for the next Prequalification round. However, this administrative burden was expected to be minimal and outweighed by the long-term benefits of improved usability and reduced risk of rejection.
- 10.12 Ofgem’s minded to position as stated in the consultation was therefore to implement CP393 in full, including the revised suite of exhibits and associated legal text.

Stakeholder feedback

Q1. Do you agree with the proposal to implement CP393, which introduces a full review and redrafting of all Capacity Market Exhibits and associated rule changes to improve clarity and reduce error rates?

- 10.13 Nine out of the ten respondents that answered this question agreed with the proposals set out under CP393. The views expressed included that updating and standardising the text and format of all the exhibits to improve clarity and efficiency, and to restrict where text can be altered, would have a positive impact in terms of clarity, ease of use and reductions in rejection rates.
- 10.14 One stakeholder noted that, while they agreed that the current exhibits had become disorderly, they were well understood and the introduction of an entirely new suite of exhibits could actually increase the risk of error for participants.

Q2. Do you have any comments on the proposed amendments to the CM Rules, including the introduction of Rule 1.6.1A1 (prohibiting alterations to Exhibit templates) and the changes to Rule 3.12.1 to clarify completeness and validity requirements?

- 10.15 A number of respondents noted the need for consistency and that having clear prescribed templates, and prohibiting their alteration, would reduce ambiguity and aid submissions.
- 10.16 One respondent noted that while the proposals would reduce rejection risk, clear guidance on transitional arrangements would be needed to minimise the administrative burden. In particular, they highlighted that the resubmission of Exhibit ZA and requirement for Independent Expert Verifiers (IEVs) to resign this would be cumbersome, especially for providers with large portfolios.

Q3. Do you foresee any unintended consequences or operational challenges arising from the removal of Exhibit DB and the requirement for all Capacity Providers to resubmit Exhibits in the revised format?

- 10.17 A number of respondents highlighted the administrative burden of changes to the format of exhibits. One respondent set out that in the first year, this change may lead to an increase in the number of rejections at Prequalification due to lack of familiarity or awareness of changes.
- 10.18 No respondents highlighted any immediate issues with the removal of Exhibit DB, although one noted that it would remove an alternative that could be useful in the future.
- 10.19 One respondent highlighted the risk of changes to the format of exhibits and the need for updated exhibit templates to be released sufficiently early.
- 10.20 One respondent also highlighted the need for guidance and specific clarity on whether evergreen exhibits remain acceptable or require resubmission.

Q4. Do you have any views on the timing of implementation ahead of the 2026/27 Prequalification round, and whether this approach provides sufficient notice for Capacity Providers to comply?

- 10.21 Six respondents expressing a preference agreed with implementation for the 2026/27 Prequalification round while five expressed reservations. Three of these asked that 'evergreen' exhibits should be excluded from the need for resubmission with two highlighting exhibit ZA.
- 10.22 A number of respondents noted the importance of clear guidance, and that updated exhibits should be released well in advance while a further

respondent set out that they would prefer the changes to be implemented for Prequalification in 2027.

Additional comments from stakeholders

- 10.23 In terms of general comments not repeated elsewhere, one respondent set out statistics on error rates summarising that in PQ2024, 308 Exhibit errors occurred across 434 applications — an effective 71% error rate (although some applications had multiple errors) per application. They went on to say that the CP393 response — redrafting all 19 Exhibits, removing optional text and footnotes, standardising declarations, and introducing Rule 1.6.1A — is comprehensively appropriate.
- 10.24 Two respondents set out their broad opposition to the proposals in general comments which could be summarised as, while acknowledging that they are not perfect, not seeing the priority need for a full review of exhibits and also highlighting the potential for new errors being inadvertently introduced and the dependence on functioning of the Delivery Body exhibit Tool. These respondents also highlighted the need for clarity on the resubmission of evergreen exhibits and especially Exhibit ZA which would be a significant and time-consuming exercise that would likely exceed the capacity of available IEV resources.
- 10.25 An ambiguity was noted by a respondent between Rule 4.8.1 and Exhibit B, dealing with submission of Price Maker Memoranda. Any interconnector can submit a Price Maker Memorandum which is further clarified in Rule 4.5.1 which sets out the notification process on Prequalification Results Day for which parties are Price-Takers and which are Price-Makers. A minor clarification to the exhibit has therefore been made.

Decision

- 10.26 We agree with respondents on the need for clear guidance and timely release of the new exhibit templates by the Delivery Body and recommend this.
- 10.27 We note the reservations expressed by some respondents on the priority need for updating of the exhibits but also that others highlight that clear, consistent templates should improve consistency and reduce error rates.
- 10.28 We note the feedback from some respondents that implementation after PQ2026 would be preferred. Enough notice has though been given of this change from its development through CMAG to its implementation such that

there would be a similar challenge regardless of the implementation year, however we agree that Exhibit ZA should be excluded from the need for resubmission in the 2026 Prequalification year only to manage the transition.

- 10.29 On the basis that the benefits of a single, unambiguous set of templates will outweigh the implementation risks we have decided to proceed with CP393 but with the change that Exhibit ZA will be excluded as set out for the 2026 Prequalification year only.
- 10.30 Please note that certain exhibits included in this response may be subject to change to reflect concurrent legislative amendments being progressed by DESNZ. Where relevant, please refer to the most up-to-date Amending Instrument relating the CM Rules.

Rule Change

- 10.31 This proposal includes updating the templates for all 19 Exhibits. These are provided in Annex 2 The templates reflect structural, declarative, and terminology updates across Exhibits A–J, DA–DC, ZA–ZD, and AA–AB. Also required as part of the proposal are the removal of Exhibit DB and the redrafting of declarations and field definitions to align with the CM Rules and operational processes. Targeted usability improvements have also been made to specific Exhibits (A, ZA, ZB, ZD)
- 10.32 The following changes to the Rules are also proposed. These are shown as **redline markup**. Where further changes were made after the consultation these are indicated in the text but are also highlighted in **purple**.
- 10.33 Introduce a new definition to Rule 1.2.1
- Exhibit** means any of the forms included in the “Exhibits” section of the Rules
- 10.34 Insert new Rules to require all exhibit submissions to use the current templates and to prohibit any alteration of these:
- 1.6.1A** From the commencement of the 2026 Prequalification Window, an Exhibit submitted to the Delivery Body must:
- a) be in the form prescribed under the Rules;
 - b) where options are provided, select the appropriate option to retain;

c) not contain textual amendments to any wording prescribed in the form

d) be signed and dated where required

1.6.1B The Delivery Body must reject an Exhibit which does not comply with Rule 1.6.1A.

10.35 Add as detailed in the discussion of consultation responses above an exception to 1.6.1B to allow the continued use of Exhibit ZA submissions for the Prequalification process in 2026 only:

1.6.1C As an exception to Rule 1.6.1A and for which rejection under 1.6.1B will not be applied, for the Prequalification Window during 2026 only, the continued use of Exhibit ZA submissions made previously and which have already been verified by an Independent Emissions Verifier will be allowed as also set out in Rule 3.17.1.

10.36 Amend Rule 3.12.1 to include the word “complete”, to prevent error by omission, and to ensure that any copy documents remain valid:

3.12.1 A person submitting an Application or an Opt-out Notification must ensure and confirm in the Application or the Opt-out Notification that:

(a) in all material respects, the Application or Opt-out Notification and, in the case of an Application, all Additional Information submitted by the Applicant; and

(b) in all respects, each of the specific declarations referred to in Rules 3.4 to 3.11 (where relevant), is true, ~~and~~ correct **and complete** (or, to the extent that the Additional Information is a copy document, that it is a true, ~~and~~ correct **and complete** copy **that remains valid**) and that the Application and Additional Information has been authorised by the board of directors of the Applicant or the person submitting the Opt-out Notification (as applicable).

11. CP394 – Conditional Prequalification for assets that have applied for a new or modified connection date²⁰

Section summary

In this section we outline questions asked at consultation stage and the policy background of CP394, which is a time-limited change to extend the previous conditional Prequalification arrangement that was put in place for PQ25 to PQ26. This will allow parties that have pending offers due to the connections reform process to participate in the Capacity Market auctions in 2027. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 11.1 For the 2025 Prequalification year, CP388 introduced conditional Prequalification for Connection Agreements for a single year in order to accommodate NESO's new connection application window process, allowing those who had applied to have their connection date brought forward in time the opportunity to conditionally prequalify for the Capacity Market auctions on the condition that they provided a Connection Agreement with a valid connection date before the auction.
- 11.2 Given that NESO's licence obliges it to carry out connection application windows at least once a year, there may therefore be a new connection application window before the Capacity Market 2026 Prequalification window, which is expected to be from early August to the end of September. Furthermore, during this period, some projects may still be awaiting the outcome of their application for an advancement under CMP435. This could therefore lead to some projects that wish to enter the Capacity Market and have applied for an advanced, new or modified Connection Agreement not being informed of the outcome of this before the Capacity Market 2026 Prequalification window closes.

²⁰ [2026 Conditional Prequalification for assets that have applied for a new or modified connection date - Exelon CMAG](#)

Proposed Change

- 11.3 It is proposed therefore to extend the conditional Prequalification option that was put in place for the 2025 Prequalification window, amending the previous Rule change to capture differences between the connections reform process and any future connections application window, as well as lessons learned through implementation of the conditional Prequalification rules for the 2025 Prequalification window.
- 11.4 This will ensure that the timing of the Prequalification window opening does not prevent benefits of NESO’s connections reform package from being realised by permitting eligible assets awaiting connection dates, potentially beginning on or before October 2030, to prequalify for the 2027 Capacity Market auction.
- 11.5 An increase in the number of Working Days (from 16 to 22) before which the Applicant must submit their revised grid Connection Agreement (GCA) to the Delivery Body is also proposed, which will bring Rule 4.7C.1 in line with other conditional Prequalification requirements in Rule 4.7.

CMAG Discussion

- 11.6 The proposed solution amends CP388, which only applied to the 2025 Prequalification window, and again applies only for a single Prequalification year, the 2026 Prequalification window; a discussion of this confirmed that the reason for the changes not being made permanent is because of potential changes in the enduring connections process but clearly that aligning the timelines on a permanent basis would be a better solution once this is apparent.
- 11.7 It was noted that CP388 had uncertainty if Capacity Providers didn’t get their connection date and what that would mean. For the 2026 Prequalification window, it is expected that a much smaller number of projects will be affected due to how the queue is being reformed.

Minded-to position

- 11.8 Ofgem was minded to approve CP394 for implementation ahead of the 2026/27 Prequalification round. We considered that the proposed changes, which are similar to those implemented under CP388 for the 2025 Prequalification window and will apply to the 2026 Prequalification Window only, deal with continuing uncertainties around connection dates for

projects with pending connection offers allowing their participation in the 2027 Capacity Market auction.

- 11.9 Ofgem therefore proposed to implement CP394 as set out in the associated legal text but noted that a permanent solution is desirable and should be sought once the enduring connections process is defined.

Stakeholder feedback

Q1. Do you agree with the proposal to implement CP394, which introduces a temporary change for PQ26 to allow the participation of projects with pending connection offers that would otherwise have connection date uncertainties?

- 11.10 Nine out of ten respondents answering this question broadly agreed with the proposals set out under CP394 as being a necessary requirement due to the continuing uncertainties surrounding the connections process and resulting from Connections Reform. The remaining respondent stated in opposing the change that the Connections Reform process is now at an advanced stage, that the number of projects affected will be small compared to last year, and that their impact on auction liquidity would be minimal.
- 11.11 A respondent proposed additional changes to enable the participation of projects awaiting receipt of their Gate 2 modification offer and also for delivery assurance purposes that any Grid Connection Agreement or Distribution Connection Agreement relied upon for Prequalification in PQ26 must be a Post-Reform Gate 2 Connection Agreement. A further addition would also be required to avoid precluding projects that at Prequalification are not yet in receipt of their countersigned Post-Reform Gate 2 Connection Agreement; Prequalification would be contingent on provision of the Post-Reform Gate 2 Connection Agreement ahead of the Auction.
- 11.12 Four respondents expressed in their answers that a temporary or ad hoc solution while pragmatic was not ideal and that an enduring solution should be sought when possible.

Q2. Do you have any comments on the proposed amendments to the CM Rules?

- 11.13 All eight respondents to this question supported the changes. Two respondents suggested additions to the conditionality around gate 2 offers to take account of timings, in one case as noted in their answer to question 1.

- 11.14 One respondent raised a risk that Gate 2 offers when made would either be late and/or incorrect and so would not be able to be signed and asked that this situation be addressed either in the rules or guidance.

Q3. Do you foresee any unintended consequences or operational challenges arising from these changes?

- 11.15 Eight out of nine respondents to this question were broadly supportive of the proposals although several noted the need for continued review of arrangements.
- 11.16 One respondent noted that the proposals would increase administrative burden on the Delivery Body to prequalify projects which may not ultimately be able to participate in the auction.
- 11.17 A respondent highlighted that the proposals could introduce confusion for Applicants who are unsure about eligibility requirements and the Conditional Prequalification process. It was suggested that to mitigate this risk, the Delivery Body should prepare clear guidance and include this in the annual launch event.
- 11.18 A respondent also highlighted that for the T-4 Delivery Year 30/31, there may be Applicants applying on the basis of non-firm interim dates in Connection Agreements which have firm (or enduring non-firm) dates in Gate 2 Phase 2 for which offers are currently expected to be made between early September 2026 and mid-January 2027 (with 90 days to sign) meaning that they would miss the deadline for submission of countersigned offers. The respondent suggested that such projects with an earliest possible connection date in 2030 could instead apply for the T-4 in PQ27 and the future T-1 for Delivery Year 30/31.

Q4. Do you have any views on the timing of implementation ahead of the 2026/27 Prequalification round?

- 11.19 All ten respondents to this question supported implementation for the 2026/27 Prequalification round.
- 11.20 One respondent noted that the rule changes do not set out when they will actually come into effect. In response to this point, we would note that changes are applicable as set out in the rules from the date of a decision being published unless otherwise stated.

Additional comments from stakeholders

11.21 A number of comments were received relating to the status of Connections Reform Gate 2 Connection Agreements at the deadline for submission prior to the auctions taking place and whether agreements that were at that point still unsigned should be allowed. The arguments for and against this are complex but can be summarised as:

- Allowing projects with unsigned Connections Agreements to take part in the auctions will allow greater participation and avoid penalising them for delays outside their control
- Ongoing Connections Reform delays and stakeholder experiences of connection offers that on first issue can't be signed due to errors or disagreement means that the risk of unsigned Connections Agreements beyond the planned for Connections Reform timetable is considered to be high by some stakeholders
- Projects not having signed their Connection Agreements are unlikely to have been able to finalise investment decisions so represent an increased non-delivery risk against any CM agreements entered into
- Delays in signing of Connections Agreements could be open-ended where there are areas that preclude signing without revision of an Agreement - and there is no further checkpoint available for this
- Another route for participation from a project with an unsigned Connections Agreement to avoid losing a year of CM income would be to take part in the subsequent T-1 auction for the year in question. To qualify as a New Build project, the requirement is only that the project should not have been commissioned at the close of the appropriate Prequalification Window so this should always be possible
- While the previous CP388 solution did allow unsigned Connections Agreements at the auction deadline, this solution was much narrower, only allowing for projects that had sought acceleration of their existing connection dates. The CP394 solution by contrast applies to all parties involved in the Connections Reform Gate 2 process so is already trying to maximise accommodation

11.22 Taking all of these points into account, our view is that aside from the temporary solutions in CP388 and this proposal, the requirement has

always been that projects are required to hold a signed Connection Agreement with a connection date prior to the start of the first CM Delivery Year for the auction in which they wish to participate. Allowing participation in Prequalification where a signed Connections Agreement is not available as long as this is submitted by the auction deadline is a more flexible but proportionate solution, balancing participation with delivery risk given the circumstances of Connections Reform. However, a signed Connections Agreement must be available by this deadline to manage delivery risk. Any harm in this solution is mitigated given that projects can participate in a later T-1 auction if they are unable to take part in the respective T-4.

Decision

- 11.23 We agree with the overwhelming majority of respondents that while a permanent solution would be preferred, these changes extending the provisions made under CP388 for another year to accommodate ongoing uncertainties due to Connections Reform are a necessary stopgap and should be made.
- 11.24 We note and agree with the need for additional text to allow for projects that at Prequalification submission are not in receipt of their countersigned Gate 2 Connection Agreements.
- 11.25 We recommend that the Delivery Body prepares clear guidance on the process milestones and requirements for this year including these proposals and that this is included in the annual launch event.
- 11.26 We do not agree that unsigned Connection Agreements at the deadline established in the legal text of no later than 22 Working Days prior to the commencement of the first Bidding Window for the T-4 Auction for the 2030/2031 Delivery Year should be allowed as a qualification condition.
- 11.27 We have decided to proceed with CP394 including the additions as otherwise discussed and set out in the 'Rule Change' section below.

Rule Change

- 11.28 The following changes to the Rules are proposed, amending the text introduced through CP388 for the 2025 Prequalification window. These are shown as **redline markup**. Further changes are included as set out in the discussion above to allow for projects not in receipt of their countersigned Gate 2 Connection Agreement during Prequalification. These changes that

were made after the consultation are indicated in the text but are also highlighted in purple.

3.7.3(aza): For the Prequalification Window during ~~2025-2026~~ only, an Applicant in respect of a T-4 Auction which is a New Build CMU that is or will be a Transmission CMU (a "relevant CMU") and ~~is unable to give~~ **does not have a Grid Connection Agreement that would allow the Applicant** to give the confirmation in Rule 3.7.3(a)(i), ~~or does not intend to rely on that Grid Connection Agreement for Prequalification~~, may, instead of complying with Rule 3.7.3(a):

(i) provide with their Application:

(aa) a copy of the current Grid Connection Agreement, ~~if they have one,~~ **if they have one,** for each Generating Unit comprising the CMU ~~or, if they do not have a Grid Connection Agreement, then a declaration confirming they do not have one;~~

(bb) a declaration that, ~~in 2025 or 2026,~~ **in 2025 or 2026,** the Applicant has applied for ~~an~~ **new, modified or** advanced connection date that would enable the Generating Units comprised in the relevant CMU to comply with the requirements under Rule 3.7.3(a)(i) and will, if that ~~advanced connection date~~ **advanced connection date** is granted, provide a copy of the revised Grid Connection Agreement on or before the date that is ~~16-22~~ Working Days prior to the commencement of the first Bidding Window for the T-4 Auction for the ~~2029/2030 2030/2031~~ Delivery Year; and

(cc) evidence of its request to the National Energy System Operator for ~~a connection date that would enable the Generating Units comprised in the relevant CMU to comply with the requirements under Rule 3.7.3(a)(i)~~ **a connection date that would enable the Generating Units comprised in the relevant CMU to comply with the requirements under Rule 3.7.3(a)(i)** and a copy of the receipt issued confirming submission of the connection application.

(ii) on or before the date that is ~~16 22~~ Working Days prior to the commencement of the first Bidding Window for the T-4 Auction for ~~2029/2030 2030/2031~~ Delivery Year, provide a copy of the revised Grid Connection Agreement with a connection date that would enable the Generating Units comprising the CMU to comply with requirements under ~~Rule 3.7.3(a)(i).~~

11.29 It is also necessary to add paragraph 3.7.3(aza)(iii) as follows to address some uncertainties in the earlier 2025 Prequalification window process:

3.7.3(aza)(iii) provide with their Application a declaration that:

- (a) confirms that, by complying with requirements under Rule 3.7.3(aza)(i)(aa)-(cc), their intention is to apply for conditional Prequalification; and
- (b) if they have submitted a Grid Connection Agreement which complies with Rule 3.7.3(a)(i), confirms whether they intend for their Application to be considered for Prequalification on the basis of this originally submitted Grid Connection Agreement, if they do not meet the requirements of the conditional Prequalification 22 Working Days prior to the commencement of the first Bidding Window for the T-4 Auction

11.30 Paragraph 4.7C.1 should then be amended to achieve better alignment of dates as follows, and also to remove the conditional text on unsigned offers originating from CP388 since applicants entering the Prequalification process for 2026 are required to be in possession of countersigned Gate 2 phase 1 Connection Agreements before the auctions take place:

4.7C.1: An Applicant that has provided with its Application a declaration pursuant to Rule 3.7.3(aza)(i)(bb) must provide to the Delivery Body no later than ~~16~~ 22 Working Days prior to the commencement of the first Bidding Window for the T-4 Auction for the ~~2029/2030~~ 2030/2031 Delivery Year:

~~(a) the revised Grid Connection Agreement for each Generating Unit comprised in the CMU evidencing the capacity requirements in 3.7.3(a)(i).~~

~~(b) where the applicant is unable to provide a signed copy of the revised Grid Connection Agreement, the unsigned revised Grid Connection Agreement for each Generating Unit comprised in the CMU evidencing the capacity requirements in 3.7.3(a)(i).~~

11.31 Further additional text is required as described above setting out the process around a Gate 2 Connection Agreement that may not have been available during Prequalification:

3.7.3(azb) For the Prequalification Window during 2026 only, an Applicant which is a New Build CMU that complies with Rules 3.7.3(a), 3.7.3(aa), or 3.7.3(b) by providing a Grid Connection Agreement or Distribution Connection Agreement that is not a Post-Reform Gate 2 Connection Agreement must:

(i) provide a declaration with their Application that the Grid Connection Agreement or Distribution Connection Agreement it has provided is not a Post-Reform Gate 2 Connection Agreement, and that the Applicant does not possess a Post-Reform Gate 2 Connection Agreement that would comply with requirements under Rules 3.7.3(a), 3.7.3(aa), or 3.7.3(b); and

(ii) on or before the date that is 22 Working Days prior to the commencement of the first Bidding Window for the relevant Auction, provide a copy of the Post-Reform Gate 2 Connection Agreement with a connection date that would enable the Generating Units comprising the CMU to comply with requirements under Rules 3.7.3(a), 3.7.3(aa), or 3.7.3(b).

11.32 This also necessitates the addition of a further Rule following 4.7C.1:

4.7C.2 An Applicant that has provided with its Application a declaration pursuant to 3.7.3(azb)(i) must provide to the Delivery Body no later than 22 Working Days prior to the commencement of the first Bidding Window for the relevant Auction the Post-Reform Gate 2 Connection Agreement for each Generating Unit comprised in the CMU evidencing the capacity requirements in Rules 3.7.3(a), 3.7.3(aa), or 3.7.3(b).

11.33 Additionally, the following definition should be added to Rule 1.2.1:

Post-Reform Gate 2 Connection Agreement means a Distribution Connection Agreement or Grid Connection Agreement that has been modified by the DNO or System Operator following the Connections Reform Gate 2 to Whole Queue process and thus includes an Agreement to Vary badged in recitals as being the Gate 2 Modification.

12. CP396 - Total Project Spend review, changes beyond DESNZ 'housekeeping'²¹

Section summary

This change is to take forwards improvements to the Total Project Spend provisions in the CM Rules that were identified by DESNZ during housekeeping changes and referred to CMAG for further consideration. Of most note, an amendment is proposed to the way in which the total project spend qualifying period is assessed for a project that is subject to delays to avoid excluding legitimate project spend. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 12.1 The CMAG Secretariat were tasked by DESNZ with reviewing the Total Project Spend (TPS) provisions in the CM Rules and proposing improvements. The findings were reviewed with CMAG, and a CMAG approved briefing was sent to DESNZ detailing a number of issues and solutions.
- 12.2 DESNZ accepted several amendments from this briefing as 'housekeeping' changes, but asked CMAG to review the following four issues and raise these as a Change Proposal, as these were deemed to be beyond the scope of a 'housekeeping' change:

Issue 1

- 12.3 Proposes amending suitable definitions to clarify that the qualifying period for TPS can change between application and later CMU milestones. Also identified in the TPS review was an update to the De-rated Capacity definition to allow more than one Generating Technology Class.

Issue 2

- 12.4 Requires simply replacing 'TPS incurred divided by the De-rated Capacity' with 'Qualifying £/kW Capital Expenditure' in Rule 8.3.6.

Issue 3

- 12.5 Adds an additional scenario to Rule 8.3.6(zaa)(i)(dd) to outline when an ITE report is required. The proposal is to simply correct this gap, providing full coverage of all relevant timing scenarios.

²¹ [Total Project Spend review, changes beyond DESNZ 'housekeeping' - Elexon CMAG](#)

Issue 4

12.6 Addresses how TPS is treated if a Capacity Provider makes a request complying with Rule 6.7.7 to delay an active connection. In such a case, a prospective CMU will currently see its TPS qualifying period remain fixed, ending at the start of their Capacity Agreement's first Delivery Year. However, a CMU with a declared long stop can extend their relevant Long Stop Date (LSD) and hence their TPS qualifying period end date by the extent of the long stop date extension. Consequentially, the start of the qualifying period will also be delayed by as many months as the LSD extension. It is therefore possible that previously qualifying expenditure at application would fall outside the new qualifying period.

Proposed Change

12.7 The proposed solutions for each issue are as follows:

Issue 1

12.8 Clarification of the following in Rule 1.2 definitions:

De-rated Capacity – clarify for CMUs comprising more than one Generating Technology Class.

Financial commitment milestone – replace 'Capital Expenditure' with 'Total Project Spend', as used in Rule 6.6.2(a), because total project spend includes the qualifying period definitions and Capital Expenditure does not. Also, the total project spend definition will include "the latest estimate of TPS" and will therefore reflect any updated total project spend.

Qualifying £/kW Capital Expenditure – delete the text that is already provided for elsewhere, i.e. Capital Expenditure and total project spend. This will mean "the latest estimate of TPS" is used, which should reflect any updated total project spend. Also, this text implies that the De-rated Capacity (DRC) is a direct result of capital expenditure, which isn't necessarily true. Remove reference to "Applicant" so this applies to any participant at any stage.

Issue 2

12.9 In Rule 8.3.6(a): Evidence of Total Project Spend, the "Total Project Spend/De-Rated Capacity" needs to be replaced with "Qualifying £/kW Capital Expenditure". The defined term "Qualifying £/kW Capital Expenditure" already exists and relates to "Total Project Spend divided by the De-rated Capacity of the CMU" but

currently this Rule relates to application only. Most instances of “Total Project Spend divided by the De-Rated Capacity” being replaced by “Qualifying £/kW Capital Expenditure” were amended as DESNZ housekeeping changes in 2025. However, DESNZ did not treat this instance as a housekeeping change, so it is included here.

Issue 3

12.10 Add an additional scenario (dd) to Rule 8.3.6(zaa)(i), which outlines when an ITE report is required in providing evidence of TPS. This Rule does not currently recognise that at least the Minimum Completion Requirement (Rule 6.8.3 or 6.8.3A) can be met during a Notice of Intention to Terminate period (Rule 6.8.2 or 6.8.2F).

Issue 4

12.11 Amendment proposes that the start of the TPS period remains fixed (77 months before first Delivery Year), but the end date flexes in line with any LSD extension under Rule 6.7.7. A dynamic end date best reflects real world project development and expenditure timing, particularly where most of the Capital Expenditure is incurred close to energisation. By fixing the start of the qualifying period, previously qualifying expenditure will not fall outside the qualifying window after a LSD extension.

12.12 DESNZ had concerns with the CMAG proposal and put forward an alternative solution that for both a Prospective CMU and a LSD CMU, the window for qualifying TPS remains static, based on where LSD would be if there were to be no extensions under 6.7.7, also noting that this Rule would apply retrospectively. This would mean a change that limits a LSD CMU to a fixed qualifying period for TPS. DESNZ believe this maintains the principle of allowing the same amount of early development expenditure to be included, but not including any spend after the point at which a project should be operational. It encourages spend that is suitably front-loaded to incentivise timely delivery and it is felt by DESNZ that this solution is simpler to administer and understand.

CMAG Discussion

12.13 The TPS review was discussed at eight separate CMAG meetings (28-32, 36, 38, 39) firstly informing the production of a briefing paper covering a range of policy and efficiency issues. This was approved by CMAG and sent to DESNZ after CMAG 32 in May 2025.

12.14 Following confirmation from DESNZ of the four remaining issues that could not be resolved as housekeeping changes as described above a Change Proposal was developed for these and presented to CMAG. Therefore, only the CMAG discussions regarding these issues are noted below.

Issue 1

12.15 This comprised clarification and amendment of the Rule 1.2 definitions for De-rated Capacity, financial commitment milestone and qualifying £/kW capital expenditure.

De-rated Capacity (DRC) was discussed in terms of the approach to be taken if there is more than one Generating Technology Class (GTC) where clarification is required; the Connection Capacity of the CMU should not be multiplied by the De-Rating Factor but instead the individual generating unit Connection Capacity should be used which the amended text seeks to achieve.

Qualifying £/kW Capital Expenditure. The proposal deletes some of the text in the existing definition which CMAG agreed highlights that De-rated Capacity is solely related to the Connection Capacity and that Connection Capacity is only marginally relevant to Capital Expenditure since the Connection Capacity only involves the infrastructure for the connection, rather than the generating plant behind that connection. It was discussed that by simplifying the definition a potential alternative definition of De-rated Capacity, which is already defined elsewhere in the Rules, is removed ensuring consistency with the established definition.

Issue 2

12.16 A point of clarification was sought given that TPS is defined as being dynamic and can change over time. At the point of application, the Capacity Provider will be using the best estimate of how much TPS will be incurred, which is used to assess whether a project can meet the terms of an agreement (3, 9 or 15 years). As the TPS definition includes that estimation, does Rule 8.3.6 (issue 2 update) need a clarification that only the TPS incurred goes into qualifying £/Kw capex?

12.17 It was noted that qualifying £/kW is about actual spend incurred. In reference to the financial commitment milestone, which assesses capex as incurred and paid, this could be confusing if it is 'incurred' in some places, but in some instances, it is 'incurred and paid', especially as it is included in the TPS definition. CMAG Secretariat agreed, because even if an ITE is assessing for an ITE TPS extended years criteria report, there could still be an element of estimation for some

contracts. It was agreed to not include the term 'incurred' in the recommended redlining for 8.3.6(a).

Issue 3

12.18 This issue relates to Rule 8.3.6ZA(a), which governs when an ITE report is required to evidence TPS. Stating that this amendment was straightforward and uncontroversial, CMAG Secretariat explained that the missing scenario concerned cases where a CMU has received a Notice of Intention to Terminate, and that the Rule should explicitly require an ITE report in this circumstance. The scenario was simple to add to 8.3.6ZA(a), completing the logical set of triggering events.

Issue 4

12.19 The basis of this issue is in defining the period for qualifying TPS in the event that a project is delayed. The CMAG Secretariat presented the issues with Rule 6.7.7, where a delay in network connection has caused a delay and the difference in treatment of TPS qualifying period for declared long stop and prospective CMUs. For declared long stop CMUs, their qualifying period is fixed in relation to their long stop date. It was noted that expenditure during any delay is likely to be much more substantial than early-stage expenditure that no longer qualifies.

12.20 The CMAG Secretariat clarified that TPS is essentially a subset of Capital Expenditure, with Capital Expenditure covering all spending related to the core production of electricity. The definition of TPS includes time constraints in the top half of its definition, such as the 77 months prior to the start of the first Delivery Year. Capital Expenditure incurred before this 77-month period does not qualify within TPS.

12.21 A member noted a consultation response that had said the qualifying period should also be anchored to 77 months prior to the first Delivery Year but wasn't something implemented in the December 24 amendment to the Rules.

12.22 Two cases were defined concerning differences in how Rule 6.7.7 (extend LSD because of a connection delay arising due to network operators) applies to prospective CMUs versus declared long stop date CMUs.

- For prospective CMUs, the TPS qualifying period is anchored to Delivery Year 1 and does not shift if Rule 6.7.7 is applied.
- For declared LSD CMUs, if Rule 6.7.7 is applied, the qualifying period shifts to the right, meaning early expenditure may no longer count towards TPS.

DESNZ advised that the two approaches should be aligned and that the Rule will apply retrospectively. CMAG members discussed potential impacts, noting this could affect whether expenditure counts towards the Financial Commitment Milestone and the Substantial Completion Milestone.

12.23 CMAG Secretariat reminded Members that CMAG had previously queried whether the period should move in both cases, noting that Amendment Rules 2024 had originally been drafted in that way. However, following discussions with DESNZ, the Department advised that aligning the periods for both CMU types was not consistent with its policy intent for Rule 6.7.7. DESNZ had therefore directed that the TPS qualifying window should remain static, even where a LSD extension is granted, mirroring the prospective CMU treatment for Declared LSD CMUs. The rationale for this was that a static window:

- Encourages front-loaded spend and incentivises timely delivery;
- Is simpler to administer and understand; and
- Avoids unintended consequences where expenditure eligibility shifts late in the project lifecycle.

12.24 A member noted that while maintaining a static TPS qualifying period might appear administratively efficient, it has created practical challenges for developers where network companies had delayed a project's connection by one or more years. In such circumstances, where projects would naturally seek to delay Capital Expenditure until closer to the revised connection date. Highlighting that under the proposed approach; a CMU could experience a significant network-driven delay yet still be required to incur expenditure within a TPS window that no longer aligned with the project's revised delivery timetable. This risked forcing developers to commit funds prematurely, particularly where connection works may be pushed back by several years.

12.25 Another member added that the expectation of front-loading Capital Expenditure did not align with the realities of certain technologies, particularly battery storage. Noting that for battery sites, ordering major components early was impractical and could be detrimental. Developers would not want to procure batteries earlier than necessary, nor have battery units sitting on site for extended periods without commissioning or charging capability.

12.26 Another member reiterated that excluding expenditure incurred after the point at which a CMU should be operational did not make practical sense where the CMU cannot be operational due to network delays. Noting that the alternative, constructing a site in line with the original operational date, only for it to remain

idle for one or two years awaiting a delayed connection, was neither efficient nor commercially sensible. The member suggested this distinction did not align with the practical realities of delivery, particularly for technologies such as batteries where expenditure is optimally timed close to the connection date. Stressing that the underlying policy intent was to maximise delivery into the market, and that artificially constraining when eligible Capital Expenditure can be incurred risks unintended reductions in agreement length if spend falls outside the qualifying window. Therefore, a model where the start of the TPS period remains fixed, but the end date flexes in line with any long stop date extension under Rule 6.7.7 should be supported.

- 12.27 A member noted that developers do not delay commercial operation simply to manipulate TPS thresholds; projects become operational as soon as possible to access wider revenue streams. Warning that if the qualifying window does not move when the connection date slips, a project could be unable to meet the 15-year agreement threshold, causing it to be downgraded to a shorter agreement - even in cases where the project is otherwise fully deliverable and only hindered by network delays.
- 12.28 Members agreed that a fixed start, but dynamic end date best reflects real-world project development and expenditure timing, particularly where most of the Capital Expenditure is incurred close to energisation. They noted that the alternative could lead to a situation where the agreement ends before the CMU is even connected, which would be contrary to delivery and policy objectives.
- 12.29 CMAG proposed that the start of the TPS period remains fixed (77 months before first Delivery Year), but the end date flexes in line with any LSD extension under Rule 6.7.7. A dynamic end date best reflects real-world project development and expenditure timing, particularly where most of the Capital Expenditure is incurred close to energisation. By fixing the start of the qualifying period, previously qualifying expenditure will not fall outside the qualifying window after an LSD extension. DESNZ were asked to confirm if Rule 6.7.7 (a delay in network connection has caused a delay to a CMU becoming Operational) should be aligned for Prospective and Declared LSD CMUs.
- 12.30 In response to this proposal, DESNZ put forward an alternative solution that for both a Prospective CMU and Declared Long Stop CMU, the window for qualifying TPS remains static, based on where the LSD would be if there were to be no extensions under 6.7.7. This Rule would apply retrospectively. DESNZ believe this maintains the principle of allowing the same amount of early development

expenditure to be included, but not including any spend post the point where a project should be operational. Also, that spend is suitably front-loaded to incentivise timely delivery and that this solution is simpler to administer and understand.

12.31 CMAG unanimously voted to recommend the proposals (including their solution to issue 4) to Ofgem for implementation on the basis that:

a) The solution better facilitates Ofgem’s Principal Objective;

b) The solution better facilitates the CM Rules Change Objectives of:

(i) Promoting investment in capacity to ensure security of electricity supply.

(ii) Facilitating the efficient operation and administration of the Capacity Market.

Minded-To-Position

12.32 We outlined our minded-to position regarding CP396 in our 2026 Statutory Consultation. We were minded to approve the proposed changes, which will clarify the operation of the TPS provisions and improve consistency within the CM Rules. In particular, we considered that the proposed amendments would simplify the relevant definitions and requirements relating to De-rated Capacity, Qualifying £/kW Capital Expenditure, and ITE reporting requirements.

12.33 For Issue 4, the two alternative approaches discussed above regarding the treatment of qualifying expenditure periods for projects experiencing delays were consulted on. Ofgem set out that their minded to position was to approve the DESNZ alternative on the basis that it provides a clearer and simpler framework for determining qualifying expenditure periods, supporting consistency in the administration of the CM Rules.

12.34 Ofgem’s minded-to position, as stated in the consultation, was therefore to implement CP396 in full, including the DESNZ alternative approach for Issue 4.

Stakeholder feedback and our response

<i>Q1. Do you agree with the proposal to implement CP396?</i>

12.35 All ten respondents supported the proposed changes. However, they expressed differing views on the preferred implementation approach, with a clear distinction emerging between the alternative solutions considered under this consultation

(see feedback to Q3). One stakeholder also highlighted the importance of ensuring that the change does not result in a retrospective reinterpretation of existing assumptions or materially alter the treatment of refurbishment projects developed under previous understandings of the rules.

Q2. Do you have any comments on the proposed amendments to the CM Rules?

12.36 Seven out of eight respondents to this question supported the proposed approach, with most either expressing agreement with the interpretation or providing no additional comments.

12.37 One respondent expressed mixed views, requesting clarification on how the revised interpretation of qualifying £/kW spend based on De-rated Capacity would apply to existing refurbishment assumptions and ongoing projects. They emphasised the importance of ensuring that the amendments do not unintentionally alter eligibility outcomes for projects that have progressed based on previous interpretations of the rules.

Q3. Which of the alternatives set out as solutions for issue 4 (which revises the qualifying period of spend for projects experiencing delays) do you believe is preferable and why?

12.38 While our minded-to-position supported the DESNZ alternative, all respondents supported the CMAG proposal and opposed the DESNZ alternative. Stakeholders considered that the CMAG proposal better reflects actual project delivery timelines, provides greater flexibility where network delays occur, prevents legitimate expenditure from falling outside the TPS qualifying period, supports investment in life extension projects, and aligns more closely with existing LSD extension provisions. Respondents also raised concerns that the DESNZ alternative could unfairly penalise projects affected by network delays and lead to unintended consequences, including reduced agreement lengths due to expenditure falling outside a fixed qualifying window.

12.39 We have noted the reasons why a significant proportion of respondents supported the CMAG proposal. In particular, stakeholders considered that a dynamic end date for the TPS qualifying period - aligned with any extension to the LSD under Rule 6.7.7 - would better reflect the practical realities of project delivery. Respondents highlighted that, where projects experience network-related delays outside of the control of the Capacity Provider, expenditure is often reprofiled to later stages. They therefore argued that a fixed qualifying period could result in

otherwise legitimate and efficient spend falling outside the qualifying window, potentially leading to reduction notices and undermining eligibility for multi-year agreements. Stakeholders also expressed concern that the DESNZ approach could create unintended incentives for premature or inefficient expenditure in order to remain within the original timelines. One stakeholder also noted that under the DESNZ approach "*battery storage projects experience approximately 2.5x the TPS exclusion rate of CCGT projects*" and that in their view some projects could lose eligibility for 15-year agreements despite having incurred sufficient overall expenditure.

12.40 Notwithstanding these considerations, we are not persuaded that introducing additional flexibility into the TPS qualifying period is necessary or appropriate at this stage. While the CMAG option may more closely track individual project circumstances, it would introduce greater variability and complexity into the regime and reduce the overall predictability of outcomes. We have not seen sufficient evidence that such flexibility is required to prevent reduction notices in practice, nor that the risks identified by stakeholders would materialise to a significant extent. While the analysis of the responses shows potential impacts on TPS qualification and investment incentives, it does not show that the DESNZ approach would reduce delivery capacity, increase project failure rates, or undermine Capacity Market objectives. Moreover, we remain concerned that a more dynamic approach could increase optionality for developers to delay project delivery, potentially weakening existing incentives to deliver capacity on time and be ready for the winter period when the CMU is most likely to be needed. On balance, we consider that the DESNZ proposal provides a clearer, more consistent framework that better supports transparent administration and the overarching objectives of the Capacity Market.

Q4. Do you foresee any unintended consequences or operational challenges arising from these changes?

12.41 Six out of eight respondents considered that the DESNZ approach could result in unintended consequences, while the remaining two did not identify any unintended impacts.

12.42 Concerns raised focused on the potential for uncertainty arising from changes in methodology or interpretation without clear transitional arrangements. One respondent specifically highlighted that, if the revised approach to qualifying

spend materially alters outcomes for refurbishment CMUs or existing project assumptions, this could create avoidable financing, planning, and delivery uncertainty.

Q5. Do you have any views on the timing of implementation ahead of the 2026/27 Prequalification round?

12.43 All seven respondents stated that they did not foresee any issues with the proposed implementation timing and raised no concerns regarding the delivery or practicality of implementation.

Decision

12.44 We have carefully considered stakeholder feedback regarding the alternative approaches to Issue 4, noting that respondents favoured the CMAG proposal on the basis that it better accommodates network-related delays and reflects project delivery timelines. We also recognise stakeholder concerns regarding potential impacts on projects developed under existing assumptions and the importance of providing regulatory certainty during implementation.

12.45 Having considered these responses, we have decided to implement CP396, including the DESNZ alternative solution for Issue 4. Whilst we acknowledge that the CMAG proposal would provide additional flexibility, we consider that the DESNZ approach establishes a clearer and more consistent framework for determining qualifying expenditure periods. In our view, a fixed qualifying period reduces complexity, improves predictability, and supports the transparent and proportionate administration of the Rules. We recognise that stakeholders favoured the CMAG proposal as it would better reflect the timing of expenditure where projects are delayed due to network issues beyond developers' control and could reduce the risk of reduction notices or inefficient spend. However, we are not persuaded that this additional flexibility is necessary and remain of the view that a fixed qualifying period provides greater clarity, consistency and predictability, while avoiding increased complexity and potential incentives to delay project delivery.

12.46 We consider that maintaining a firm and clearly defined framework is appropriate to support the Capacity Market's objectives, including security of supply. While stakeholders raised concerns regarding projects affected by network delays, we believe that the benefits of regulatory clarity and consistency outweigh the potential advantages associated with a more dynamic approach. We will, however, continue to monitor the implementation of these changes and consider

whether further amendments are necessary should evidence emerge of unintended consequences.

12.47 We also consider that a Declared Low Carbon CMU may apply for a 12 or 24 month Declared Long Stop at Prequalification. This declaration allows eligible CMUs to extend their Total Project Spend window to the Long Stop and not the start of the first Delivery Year to which the Application Relates.

Rule Change

12.48 The following changes are proposed, as discussed and concluded on by CMAG and shown as **redline mark-up**:

Issue 1

In Rule 1.2 Definitions:

De-rated Capacity means, for any Generating CMU or DSR CMU and Capacity Auction, an amount (in MW to three decimal places) equal to the product of:

(a) for a Generating CMU, its Connection Capacity **and, in the case of a Generating CMU that comprises more than one Generating Technology Class, the applicable Connection Capacity for each Generating Unit;** or

(b) for a DSR CMU: (i) unless sub-paragraph (ii) applies, its DSR Capacity, or, (ii) if an amount of capacity has been nominated under Rule 5.5.11, that capacity;

and the De-rating Factor **for the CMU and, in the case of a Generating CMU that comprises more than one Generating Technology Class, the applicable De-rating Factor for each Generating Unit,** provided that the De-rated Capacity of a Pre-Refurbishment CMU must not exceed the De-rated Capacity of the related Refurbishing CMU;

means, for any Interconnector CMU and Capacity Auction, an amount (in MW to three decimal places) equal to the lower of:

(a) the product of its Connection Capacity and De-rating Factor; or

(b) the total Transmission Entry Capacity secured by Grid Connection Agreements for the relevant Delivery Year and evidenced in accordance with Rule 3.6A.

Financial Commitment Milestone means, for a Prospective CMU, the provision to the Delivery Body of:

(a) a report by an ITE meeting the Required Technical Standard confirming the ~~Capital Expenditure~~ **Total Project Spend** and financial commitment requirements specified in Rule 6.6; and

(b) A Funding Declaration

Qualifying £/kW Capital Expenditure means, with respect to a New Build CMU which is a Generating CMU or a Refurbishing CMU which is a Generating CMU or an Unproven DSR CMU, the Total Project Spend divided by the De-rated Capacity of the CMU ~~that is expected in the reasonable opinion of the Applicant[or Capacity Provider] to result from the Capital Expenditure comprising the Total Project Spend~~

Issue 2

8.3.6 Evidence of Total Project Spend

Where a Prospective Generating CMU or an Unproven DSR CMU has been awarded a Capacity Agreement with a duration exceeding one Delivery Year:

(a) the relevant Capacity Provider must provide the Delivery Body, no later than the date described in Rule 8.3.6(zaa), with a certificate from an ITE stating the Total Project Spend incurred, and confirming that it is satisfied, on the basis of evidence reviewed, that the ~~Total Project Spend incurred divided by the De-Rated Capacity of the CMU~~ Qualifying £/kW Capital Expenditure

[...]

Issue 3

8.3.6 Evidence of Total Project Spend

Where a Prospective Generating CMU or an Unproven DSR CMU has been awarded a Capacity Agreement with a duration exceeding one Delivery Year:

[...]

(zaa) the date referred to in Rule 8.3.6(a) is:

(i) in respect of a Prospective Generating CMU, the latest applicable date of:

(aa) the date that is three months after the start of the first Delivery Year;

(bb) the date that the Capacity Agreement takes effect in accordance with Rule 6.7.4(a)(ii);

(zcc) the date that the Capacity Agreement takes effect in accordance with Rule 6.7.4(aa); ~~or~~

(cc) the date that the Capacity Agreement takes effect in accordance with Rule 6.8.5; ~~or and~~

(dd) the date that the Capacity Agreement takes effect, during a Notice of Intention to Terminate, in accordance with Rules 6.8.2 or 6.8.2F; and

[...]

Issue 4 - CMAG Solution

In the TPS definition (Rule 1.2) make the end date of the TPS qualifying period move with any Rule 6.7.7 extension to the LSD. Note that for Prospective CMUs (that are not Declared Long Stop CMUs) the end date is currently the start of the first Delivery Year, rather than the LSD, that policy has not been changed.

Purple text indicates other "housekeeping" changes expected to be made by DESNZ so included to show the composite solution.

Total Project Spend means, with respect to a New Build CMU, an Unproven DSR CMU or a Refurbishing CMU ~~that is not an Existing Interconnector CMU~~, the latest estimate of the total amount of Capital Expenditure (excluding contingency) incurred, or expected in the reasonable opinion of the Applicant to be incurred (either by the Applicant, Capacity Provider or another person) with respect to the CMU (or, in the case of an Interconnector CMU, the CMU together with the Non-GB Part); in the period between the date which is 77 months prior to the commencement of the first Delivery Year to which the Application relates and:

(a) in the case of a Declared ~~12 Month~~ Long Stop CMU, ~~between the date which is 89 months before the Long Stop Date and~~ the Long Stop Date;

(b) ~~in the case of a Declared 24 Month Long Stop CMU, between the date which is 101 months before the Long Stop Date and the Long Stop Date;~~

~~(c) in any other case, between the date which is 77 months prior to the commencement of the first Delivery Year to which the Application relates and~~ the commencement of the first Delivery Year to which the Application relates plus the period of any extension to the Long Stop Date provided under Rule 6.7.7; ~~or and~~

~~means~~, with respect to a Refurbishing CMU ~~that is an Existing Interconnector CMU~~, Capital Expenditure which:

- (a) has not previously been declared under Rule 3.7.2(c) in respect of any application for Prequalification by a CMU which subsequently gained a Capacity Agreement in respect of the Refurbishing CMU, and not the associated Pre-Refurbishment CMU, (of any duration); or
- (b) has previously been so declared but:
 - (i) which a certificate required by Rule 8.3.6 demonstrates was not incurred; or
 - (ii) was declared in respect of a Capacity Agreement which has been terminated in accordance with Rule 6.10.2(e).

Issue 4 - DESNZ Alternative Solution

In the TPS definition (Rule 1.2) fix the start and end dates of the TPS qualifying period for Declared Long Stop CMUs.

Purple text indicates other “housekeeping” changes expected to be made by DESNZ so shows the correct composite view of the adjusted Rules:

Total Project Spend means, with respect to a New Build CMU, an Unproven DSR CMU or a Refurbishing CMU ~~that is not an Existing Interconnector CMU~~, the latest estimate of the total amount of Capital Expenditure (excluding contingency) incurred, or expected in the reasonable opinion of the Applicant to be incurred (either by the Applicant, Capacity Provider or another person) with respect to the CMU (or, in the case of an Interconnector CMU, the CMU together with the Non-GB Part); in the period ~~between the date which is 77 months prior to the commencement of the first Delivery Year to which the Application relates and;~~

- (a) in the case of a Declared 12 Month Long Stop CMU, ~~12 months after the commencement of the first Delivery Year between the date which is 89 months before the Long Stop Date and the Long Stop Date;~~
- (b) in the case of a Declared 24 Month Long Stop CMU, ~~24 months after the commencement of the first Delivery Year between the date which is 101 months before the Long Stop Date and the Long Stop Date;~~
- (c) in any other case, ~~between the date which is 77 months prior to the commencement of the first Delivery Year to which the Application relates and~~ the commencement of the first Delivery Year to which the Application relates; ~~or and~~ means, with respect to a Refurbishing CMU ~~that is an Existing Interconnector CMU~~, Capital Expenditure which:

(a) has not previously been declared under Rule 3.7.2(c) in respect of any application for Prequalification by a CMU which subsequently gained a Capacity Agreement in respect of the Refurbishing CMU, and not the associated PreRefurbishment CMU, (of any duration); or

(b) has previously been so declared but:

(i) which a certificate required by Rule 8.3.6 demonstrates was not incurred; or

(ii) was declared in respect of a Capacity Agreement which has been terminated in accordance with Rule 6.10.2(e).

13. CP397 – Temporary FCM Grace Period²²

Section summary

This change proposal by Government seeks to allow flexibility for Capacity Providers falling into a specific window impacted by connections reform uncertainty by putting in place arrangements for a temporary extended grace period for their Financial Commitment Milestone (FCM). The proposal is to extend the 16-month Financial Completion Milestone for New Build Projects with a scheduled first Delivery Year starting on 1 October 2028 or 1 October 2029 by a 12-month period. The reason for this is to seek to accommodate the temporary uncertainties being experienced by some parties regarding their connection dates as a result of the Connections Reform process. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 13.1 Every prospective generating CMU must complete FCM. For CMUs that win an agreement in a T-4 auction, this milestone must be met within the 11-month period of auction results day, or the Capacity Provider must supply additional credit cover. Should additional credit cover be provided, a Capacity Provider has until 16 months after auction results day to complete the FCM. This is designed to maximise delivery assurances, ensure all Capacity Providers are legitimate and are likely to meet the requirements to commission their projects in time for the start of the obligation period.
- 13.2 DESNZ noted in the Change Proposal for CP397 that there is uncertainty for some New Build CMUs who have received a Gate 2 Phase 1 notification as part of the reformed connections queue but will not receive their connection offer with a connection date until Q2 of 2026, after the 2026 Capacity Market T-4 auction in March 2026. Gate 2 phase 1 connection dates will be up to the end of 2030.
- 13.3 In the Change Proposal, DESNZ also noted that Capacity Providers with an agreement for the 2028/29 Delivery Year will have received protected status which guaranteed “ready projects” with a Gate 2 Phase 1 notification but not a guaranteed connection date for the relevant Delivery Year from their transmission

²² [Extension to the 16-month Financial Commitment Milestone for New Build Projects with a scheduled first Delivery Year starting on 1 October 2028 or 1 October 2029 - Elexon CMAG](#)

owner (TO) or distribution network operator (DNO). These projects are due to meet their initial 11-month window to complete their FCM in February 2026, with a 16-month deadline in July 2026.

- 13.4 The Change Proposal also acknowledged that some projects may face challenges in meeting their FCM if they do not have a guaranteed connection date set out in a revised connection offer, even if the Connection Agreement date must be before the end of 2030. This uncertainty could be detrimental for Capacity Providers, and for the scheme's objective in securing electricity security of supply for Great Britain.
- 13.5 A CM Rules change is proposed to provide additional assurances to agreements won for New Build generating CMUs for the 2028/29 Delivery Year and for New Build generating CMU applicants who are prequalified to participate in the T-4 Auction for the 2029/2030 Delivery Year. This will apply only if the CMUs original connection date was moved backwards because of the queue reformation.

Proposed Solution

- 13.6 DESNZ was clear in its Change Proposal that it has no intention of proposing an alteration to the initial 11-month period, after which additional credit cover must be posted if the FCM is not met by this point. The Change Proposal notes that this initial milestone incentivises early completion of the FCM and signals that a project is legitimate and on course for commissioning on time.
- 13.7 However, the Change Proposal by DESNZ acknowledged the impact of the current connections reform timeframes. The Change Proposal was clear that, where a New Build Generating CMU has posted additional credit cover to demonstrate confidence in their project, there needs to be additional support to ensure that the connections uncertainty does not result in an otherwise viable project being terminated for missing the FCM.
- 13.8 This proposal will provide New Build CMUs that won agreements in the T-4 auctions held in 2025 or 2026 an additional 12 months to complete their FCM. This will make the 16-month deadline to meet the FCM a 28-month deadline instead and would give a project due to start their agreement on 1 October 2028 (from the 2025 T-4 auction), until July 2027 to meet their financial commitment milestone. Projects with a start date of 1 October 2029 (from the 2026 T-4 auction) would therefore have until July 2028 to meet their FCM. This will apply only where the CMU's original connection date has been moved following the queue reformation process.

- 13.9 As consulted on, it was intended that this proposal would only apply to New Build CMUs that have been issued with a Gate 2 Phase 1 notification from the system operator (NESO) or their DNO.
- 13.10 The proposal ensures that any terminations can still be captured for the respective T-1 auctions and maintains the initial incentives to deliver early so Capacity Providers can avoid posting and maintaining additional credit cover.
- 13.11 It will be time limited for Capacity Agreements won in T-4 auctions held in 2025 and in 2026. Projects with a Capacity Agreement starting in October 2030 or later will have greater certainty of their connection offers and therefore will not need the same mitigation. The Government does not believe flexibility for other milestones is required, as there is already a Long Stop Date (LSD) period for New Build CMUs which enables flexibility if the Substantial Completion Milestone cannot be met in time. Additionally, Rule 6.7.7 allows for an extension in the LSD if there is an issue solely due to a failure of NESO or the DNO, which leads to a delay in a connection point being provided.

Minded-To-Position

- 13.12 We outlined our minded-to position regarding CP397 in our 2026 Statutory Consultation. We were minded to approve the proposed changes as they would provide targeted support to New Build generating CMUs affected by uncertainty arising from the Connections Reform process, thereby reducing the risk of otherwise viable projects being unnecessarily terminated for reasons outside their control.
- 13.13 By introducing a temporary extended grace period for the FCM for eligible New Build CMUs with agreements commencing in October 2028 or October 2029, the proposal was intended to accommodate the exceptional circumstances associated with the ongoing connections reform process. Ofgem considered that this approach would maintain delivery incentives through the existing FCM framework while providing proportionate flexibility to projects impacted by delays in obtaining confirmed connection dates.
- 13.14 The proposal was designed as a time-limited measure, applying only to a defined cohort of projects affected by connections reform uncertainty, thereby minimising wider impacts on Capacity Market arrangements.
- 13.15 Ofgem’s minded-to position, as stated in the consultation, was therefore to implement CP397 in full, including the introduction of a temporary extended grace period for the FCM for eligible New Build Generating CMUs.

Stakeholder feedback and our response

Q1: Do you agree with the proposal to implement CP397, which introduces a temporary grace period for the financial commitment milestone for projects falling into a specific window that are impacted by the connections reform process?

- 13.16 Seven out of eleven respondents supported the proposed amendments without qualification, agreeing that Capacity Providers should not be penalised for delays to meeting the FCM arising from connections reform uncertainty outside their control.
- 13.17 Four respondents supported the intent of the proposal but raised concerns regarding the scope and operation of the proposed amendments. Respondents noted that limiting eligibility to certain Gate 2 Phase 1 projects may exclude other projects experiencing similar delays, including projects with temporary non-firm connections.
- 13.18 Two respondents considered the proposed 12-month grace period insufficient given the scale and duration of connection delays and suggested a more flexible approach aligned with actual connection timelines.
- 13.19 One respondent raised a concern regarding potential impacts on project viability, including the risk of projects failing to reach Final Investment Decision or exiting the Capacity Market prematurely.
- 13.20 One respondent also highlighted potential operational impacts on settlement processes arising from dependencies on the Delivery Body processes.

Q2: Do you have any comments on the proposed amendments to the CM Rules, including the amendment to Rule 6.6.1 or the introduction of a new Rule 6.6.1A setting out the conditions to be satisfied to qualify for the extended grace period?

- 13.21 Six respondents fully supported the proposed amendments, considering that the drafting appropriately delivers the intended policy objective. One respondent supported the proposal but suggested that the extended grace period should apply to existing agreements awarded in the 2024 and 2025 T-4 auctions.
- 13.22 Four respondents expressed mixed views, supporting the proposal in principle while recommending refinements to the drafting. Key concerns included that the eligibility criteria may be overly restrictive and exclude otherwise viable projects affected by connections reform uncertainty. Stakeholders recommended

broadening the scope beyond Gate 2 Phase 1 notifications to capture additional affected projects, including those with Gate 2 Phase 2 notifications or protected status arrangements.

- 13.23 Three respondents also sought greater clarity regarding the evidence requirements, the Delivery Body's role in assessing compliance with the eligibility criteria, and how the revised arrangements would operate in practice.

Q3: Do you foresee any unintended consequences or operational challenges for prospective CMUs arising from these proposed changes?

- 13.24 Seven out of eleven respondents of the respondents did not foresee any unintended consequences or operational challenges arising from the proposed changes, although one of these respondents reiterated concerns previously raised under Q2 regarding the need for clarity on evidence requirements and eligibility assessments.

- 13.25 Two of the respondents expressed mixed views, recognising the benefits of the proposal but highlighting potential unintended consequences if the eligibility criteria remain too narrowly defined. Concerns focused on the potential exclusion of otherwise viable projects affected by connections reform delays, uncertainty regarding how compliance would be assessed, and the need for clearer guidance on evidential requirements.

- 13.26 One respondent argued that current approach could create inequitable outcomes by treating projects facing similar external constraints differently.

- 13.27 Two respondents raised concerns regarding potential discrimination between projects with firm and temporary non-firm connection arrangements and the risk of inconsistent treatment of projects affected by connections reform uncertainty.

Q4. Do you have any views on the timing of implementation ahead of the 2026/27 Prequalification round?

- 13.28 There was unanimous support from all eleven respondents for implementing CP397 ahead of the 2026/27 Pre-qualification round. Most respondents emphasised the importance of publishing a decision as soon as possible, citing

concerns that delays could increase the risk of affected projects missing the July FCM deadline.

- 13.29 Two respondents also highlighted the need for amendments to the final rule drafting prior to implementation to ensure that projects with Gate 2 Phase 2 mitigation arrangements are not unintentionally excluded from the scope of CP397.
- 13.30 Finally, one respondent underlined that one implementation issue warrants attention: the condition that "*the CMU's original connection date was moved backwards as a result of the queue reformation*" presents evidential challenges for projects without a prior formal connection date. Recommending that the Delivery Body should publish guidance on evidencing this condition by 1 July 2026.

Decision

- 13.31 We have carefully considered stakeholder feedback on the appropriate trigger for accessing the additional grace period. Respondents highlighted the complexity and variability associated with the timing of connection offers, including differences between transmission and distribution processes, the potential for non-firm arrangements, and the risk of prolonged bilateral negotiations. Stakeholders also noted that introducing conditionality linked to agreement execution could create ambiguity and increase the likelihood of disputes.
- 13.32 Having considered these responses, we have decided to amend the drafting to refer solely to receipt of a "Gate 2" notification. We consider that this provides a clear, objective and administrable trigger, which avoids reliance on the timing or outcome of Connection Agreement negotiations. In our view, this approach reduces complexity and ensures consistent application across projects, while also removing the need to assess whether a Capacity Provider has had sufficient opportunity to execute an agreement. We consider that any project in receipt of a Gate 2 notification and with a suitable connection date should be eligible for the additional grace period, including where subsequent delays may affect project decision-making timelines.
- 13.33 We have also considered stakeholder feedback that Capacity Providers should not be subject to termination where failure to meet the FCM arises solely from delays attributable to the connections reform process. While we recognise these concerns, we consider that introducing a causation-based test would be difficult to

draft with sufficient precision and would create material legal uncertainty. In particular, determining whether failure arises “solely” from such delays would be inherently subjective and could undermine the enforceability of the framework. We have therefore decided to make no change in this area and to retain the existing approach.

- 13.34 Separately, we have considered stakeholder feedback on sub-paragraph (iv), with respondents noting that the provision is unclear and risks giving rise to interpretive disputes. Having taken these views into account, and in light of our decisions above, we consider that the provision is unnecessary and may create ambiguity in the application of the Rules. We have therefore decided to delete sub-paragraph (iv) in its entirety to improve clarity and ensure a more robust and coherent framework, as well as clarifying that all qualifying “Gate 2” projects can be considered.
- 13.35 Finally, feedback was also that Rule 6.6.1A does not specify how compliance with conditions (iii) and (iv) will be assessed, whether Capacity Providers must submit evidence to the Delivery Body, or how the Delivery Body will determine eligibility for the extended FCM deadline. Two additional clauses have been added to clarify this, now numbered (iv) and (v) with the deletion of the previous (iv).
- 13.36 We have therefore decided to proceed with CP397 including these amendments which are also set out in the ‘Rule Change’ section below.

Rule Change

- 13.37 The following changes to Rule 6.6.1 and a new Rule 6.6.1A are proposed. The text from the original change proposal has been edited slightly while retaining the same overall solution, all shown as **redline mark-up** and with changes made subsequent to the consultation shown in **purple**:

6.6.1 A Capacity Provider of a Prospective CMU will be considered to have met its Financial Commitment Milestone obligation if, by no later than 16 months, **save for the conditions set out under 6.6.1A**, after the Auction Results Day for the Capacity Auction in respect of which the Capacity Agreement was awarded (or, in the case of a T-1 Agreement, 3 months), the Delivery Body has acknowledged receipt of:

...

6.6.1A For the purposes of Rule 6.6.1, where a Prospective CMU's first Delivery Year for a Capacity Agreement commences on 1 October 2028 or 1 October 2029, and

(i) the CMU is a New Build Generating CMU; and

(ii) the Capacity Agreement was acquired in a T-4 Capacity Auction; and

(iii) the CMU has, in respect of it, received a ~~"Gate 2 Phase 1"~~ "Gate 2" notification from the System Operator or their Distribution Network Operator; and

~~(iv) the CMU has been issued with an updated Grid Connection Agreement with a commencement date after the start of the first scheduled Delivery Year~~

(iv) The Capacity Provider must provide to the Delivery Body evidence demonstrating compliance with condition (iii), in such form and by such date as may be specified by the Delivery Body; and

(v) the Delivery Body must determine whether the evidence provided satisfies the requirements of Rule 6.6.1A before applying the extended Financial Commitment Milestone deadline.

a Capacity Provider of a Prospective CMU will be considered to have met the Financial Commitment Milestone if, by no later than 28 months after Auction Results for the Capacity Auction in respect of which the Capacity Agreement was awarded, the Delivery Body has acknowledged receipt of the requirements detailed in Rule 6.6.1(a) and 6.6.1(b).

14. CP398 – Enabling Capacity Providers to utilise their own Meter Operator Agent

Section summary

In this section, we outline the intent of CP398, which introduces an optional pathway for Capacity Providers to have their metering statements (Schedule 6) completed and verified by an authorised meter operator agent, rather than solely by the Settlement Body and the metering agent that undertakes work on behalf of the Settlement Body. We also provide our minded-to position, stakeholder feedback and our final decision on this change proposal.

Background

- 14.1 Rule 13.3.2 requires a Capacity Provider (CP) to submit a metering statement (Schedule 6) to the Settlement Body. Once checked by the Settlement Body, the metering statement is sent to the metering agent to carry out the Metering Test on behalf of the Settlement Body. At peak periods, the resource of the Settlement Body and its metering agent can be at a capacity, potentially creating a risk for delays to Metering Tests and causing an administrative bottleneck.
- 14.2 This risk has been exacerbated by the Metering Testing of multi-thousand component domestic Demand Side Response CMUs with bespoke metering setup. The Settlement Body proposes an update to the CM Rules to allow a Capacity Provider to choose to have the metering statement compiled and verified by an authorised meter operator agent, reducing the demand and administrative burden on the Settlement Body and its metering agent.

Proposed Change

- 14.3 The proposed solution is to change the CM Rules to enable a Capacity Provider to choose to have their metering statement (Schedule 6) verified either by the Settlement Body's metering agent or by an independent meter operator agent.
- 14.4 To ensure the appropriate independence of the metering agent, they would be required to be a fully accredited member of the Association of Meter Operators.
- 14.5 This solution would reduce the risk of delays by reducing the number of checks performed by the Settlement Body's metering agent, which would reduce scheme administration costs and therefore costs to the consumer. By enabling Capacity Providers to use their chosen meter operator agent to complete and validate the metering statement (Schedule 6), it removes the duplication of effort in instances

where a Capacity Provider uses a meter operator agent to compile and validate the metering statement (schedule 6) before submitting it to the Settlement Body.

- 14.6 We would maintain the existing option where a Capacity Provider submits the metering statement (Schedule 6) to the Settlement Body, who then have this tested by a metering agent.
- 14.7 The Settlement Body will also update its Guidance, providing more instructions for meter operator agents to follow, and will create more structured templates to standardise the metering statement (Schedule 6) submission format. They will engage with metering operators in developing this guidance to mitigate the risk of variation between different meter operators.
- 14.8 The Settlement Body will still retain the right for a site audit to be carried out if non-compliance is suspected, as per Rule 13.5.1(a).

Minded-to position

- 14.9 We outlined our minded-to position regarding CP398 in our April 2026 Statutory Consultation. Ofgem’s position in the consultation was to approve CP398 implementation ahead of the 2026/27 Prequalification round.
- 14.10 In our consultation, we clarified that our position was that this change will improve the efficiency of the Metering Test process without compromising on the quality of assurance and will avoid administrative bottlenecks interfering with the efficient operation of the Capacity Market.

Stakeholder feedback and our response

Q1. Do you agree with the proposal to implement CP398, which allows Metering Tests performed by Meter Operator Agents registered with the Association of Meter Operators to be submitted to fulfil the requirements of Rule 13.3.2(b)?

- 14.11 All eleven respondents stated that they agree with the proposal.

Q2. Do you have any comments on the proposed amendment to CM Rule 13.3.1?

- 14.12 Nine out of ten stakeholders that responded to this question were supportive. One respondent had a comment regarding clarity on how the change affects Rule 13.5 (Site Audits), particularly whether audits are conducted by the Settlement Body’s agent or a provider-selected meter agent. In response to this comment, it is clarified that the proposed change does not impact the existing arrangements

under Rule 13.5, including those relating to site audits, as outlined in paragraph 14.8. Further clarification on roles and responsibilities, including how audits will be conducted in practice, will be provided through supporting guidance to ensure stakeholders have a clear and consistent understanding.

Q3. Do you foresee any unintended consequences or operational challenges arising from these proposed changes?

- 14.13 None of the respondents identified any unintended consequences or operational challenges.
- 14.14 One response, however, raised a concern about tight timelines to implementation and whether guidance will be available in time.

Decision

- 14.15 We agree with the respondents and have decided to implement CP398 to introduce an optional pathway allowing Capacity Providers to have metering statements (Schedule 6) completed and verified by an authorised meter operator agent, reducing reliance on the Settlement Body and its appointed agent.
- 14.16 After reviewing stakeholder feedback highlighting concerns about tight implementation timelines, we recommend that the Settlement Body and the Delivery Body prioritise the timely development and dissemination of clear, accessible guidance ahead of implementation. Early provision of guidance will support stakeholders in understanding requirements, preparing operational processes, and mitigating risks associated with compressed delivery schedules.

Rule Change

- 14.17 The following rule changes are required, all shown as **redline mark-up**:
- 14.18 Add a definition of Meter Operator Agent to Rule 1.2.1:
- Meter Operator Agent** means a professional meter operator recognised by the UK trade body “the Association of Meter Operators”
- 14.19 Amend Rule 13.3.1:
- 13.3.1 A Metering Test is a test conducted by the CM Settlement Body **or a Meter Operator Agent** to determine whether or not the metering arrangements for each Generating Unit or DSR CMU Component comprised in a CMU, or the Electricity Interconnector comprised in an Interconnector CMU, constitutes an Approved Metering Solution.

Annexes

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Annex 1– Exhibit KA (ITE Report Templates)

The updated Rules under CP382 will apply to ITE reports dated from the opening of the 2026 Prequalification Window, ensuring that reports prepared prior to this date can continue to be submitted to the Delivery Body. ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Report A of Exhibit KA: Evidence of Total Project Spend – Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) in respect of which the Independent Technical Expert's report provides evidence of Total Project Spend. Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Independent Technical Expert
Unique CMU Identifier	This is the unique CMU identifier as per the latest Capacity Agreement Notice.	
Capacity Agreement Reference	This is the Capacity Agreement Reference as per the latest Capacity Agreement Notice.	

Identity of the Independent Technical Expert

Item	Guidance	Information from Independent Technical Expert
Full Name		
Business Entity Name		
Contact Telephone(s)		
Contact Email(s)		
Business Address	Provide if available	

Demonstration of the Costs incurred

Please complete the following information for the CMU identified above.

Item	Guidance	Information from Independent Technical Expert
1) CMU Type	Any of: <ul style="list-style-type: none"> • New Build CMU • Refurbishing CMU • Unproven DSR CMU 	

Decision – Decision on Statutory Consultation on Capacity Market Rule Change Proposals 2026

Item	Guidance	Information from Independent Technical Expert
2) Qualifying period – Start Date	Earliest date of Capital Expenditure incurred that can be included in the Total Project Spend figure based on CMU type.	
3) Qualifying period – End Date	Latest date of spending that can be included in the Total Project Spend figure based on CMU type.	
4) Total Project Spend (£) [A]	When calculating Total Project Spend it is good practice to evidence Capital Expenditure with relevant invoices. Capital Expenditure must be determined in accordance with International Accounting Standard 16 (IAS16).	
5) Actual Spend Incurred – Start Date	Earliest date of Capital Expenditure incurred that is included in the calculation of the Total Project Spend figure	
6) Actual Spend Incurred – End Date	Latest date of Capital Expenditure incurred that is included in the calculation of the Total Project Spend figure	
7) De-Rated Capacity (kW) [B]	This is the De-rated Capacity value at Auction	
8) Qualifying £/kW Capital Expenditure Spend per kW [A]/ [B]	<p>This is the Qualifying £/kW Capital Expenditure as per Rule 8.3.6</p> <p>If the spend per kW is less than the Fifteen Year Minimum £/kW Threshold, the Nine Year Minimum £/kW Threshold or the Three Year Minimum £/kW Threshold, Capacity Agreement lengths may be reduced in accordance with Rule 8.3.6D</p> <p>If the CMU is a Refurbishing CMU the Qualifying £/kW Capital Expenditure (this value [A]/[B]) must be determined, so far as possible, without reference to any substantive routine or statutory maintenance works required at the Refurbishing CMU, other than those necessary to deliver Lifetime Extension Works and which are</p>	

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Item	Guidance	Information from Independent Technical Expert
	<p>incurred, or are expected to be incurred, between the Auction Results Day for the T-4 Auction to which the Application relates and the start of the first Delivery Year.</p>	
<p>9) Declared Long Stop CMU</p>	<p>Has the Capacity Provider declared a Long Stop Date?</p> <p>If so, was it for 12-months? (89-months before Long Stop Date)</p> <p>If so, was it for 24-months? (101-months before Long Stop Date)</p>	
<p>10) Long Stop Date extension</p>	<p>Has a Capacity Provider previously obtained a Long Stop Date extension?</p> <p>If so, what is the latest agreed Long Stop Date, such that the Total Project Spend qualifying period has been changed accordingly?</p>	

Table 1 : Demonstration of incurred costs

Complete the following information for the CMU identified above:

Q1: Is the CMU a Refurbishing CMU?

Yes No

If the answer to Q1 is no do not complete Q2, Q3 and Q4. If the answer to Q1 is yes complete all remaining questions in this report.

Q2: Does the Total Project Spend incurred include spend that was previously declared under Rule 3.7.2(c) in respect of any application for Prequalification by a CMU but which a certificate required by Rule 8.3.6 demonstrates was not incurred?

Yes No

If the answer to Q2 is no do not complete items 11 and 12.

Item	Guidance	Information from Independent Technical Expert
11) CMU ID	This is the CMU ID associated with the Total Project Spend value in the row below	
12) Total Project Spend (£) that was not incurred that was declared on another Prequalification Application		

Table 2: Total Project Spend declared under other Application that was not incurred

Q3: Does the Total Project Spend incurred include spend that was previously declared under Rule 3.7.2 (c) in respect of a Capacity Agreement which has been terminated in accordance with Rule 6.10.2 (e)?

Yes No

If the answer to Q3 is no do not complete items 13 and 14.

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Item	Guidance	Information from Independent Technical Expert
13) CMU ID	This is the CMU ID associated with the Total Project Spend value in the row below	
14) Total Project Spend (£) that was associated with a terminated CMU		

Table 3: Total Project Spend declared that was terminated

Q4: Excluding any Total Project Spend identified in Q2 and Q3, does the Total Project Spend incurred include any spend declared under Rule 3.7.2(c) in respect of any application for Prequalification by a CMU which subsequently gained a Capacity Agreement in respect of a Refurbishing CMU?

Yes No

Note: Capital Expenditure incurred ~~outside the relevant qualifying period on a Pre-Refurbishment CMU (of any duration)~~ cannot be included as part of this Total Project Spend. If the answer to Q4 is yes this report will be rejected.

Q5: Is the CMU intended to be a Declared Low Carbon CMU?

Yes No

Q6: Is the CMU intended to be a Three Year Zero Capex Threshold CMU?

Yes No

Independent Technical Expert Statement:

We confirm that for the above Capacity Market Unit (CMU):

- (a) Where the CMU is a Declared Low Carbon CMU but not a Three Year Zero Capex CMU we are satisfied, on the basis of evidence reviewed, that the Total Project Spend incurred divided by the De-Rated Capacity of the CMU is:
- equal to or greater than the Fifteen Minimum £/kW Threshold
 - equal to or greater than the Nine Year Minimum £/kW Threshold and less than the Fifteen Year Minimum £/kW Threshold
 - equal to or greater than the Three Year Minimum Capex Threshold and less than the Nine Year Minimum £/kW Threshold
 - less than the Three Year Minimum £/kW Threshold
- (b) Where the CMU is Declared Low Carbon CMU and a Three Year Zero Capex Threshold CMU we are satisfied, on the basis of evidence reviewed, that the Total Project Spend incurred divided by the De-Rated Capacity of the CMU is
- equal to or greater than the Fifteen Year Minimum £/kW Threshold
 - equal to or greater than the Nine Year Minimum £/kW Threshold and less than the Fifteen Year Minimum £/kW Threshold
 - less than the Nine Year Minimum £/kW Threshold and equal to or greater than zero
- (c) Where declarations (a) and (b) above are not applicable we are satisfied, on the basis of evidence reviewed, that the Total Project Spend incurred divided by the De-Rated Capacity of the CMU is,
- less than the Three Year Minimum £/kW Threshold
 - equal to or greater than Three Year Minimum £/kW Threshold and less than the Fifteen Year Minimum £/kW Threshold
 - equal to or greater than the Fifteen Minimum £/kW Threshold
- (d) We are satisfied that the Capacity Provider’s accounting policies comply with International Accounting Standard 16 and that International Accounting Standard 16 has been used when calculating the Total Project Spend;
- (e) When determining the Total Project Spend incurred the amount of Capital Expenditure only relates to property, plant and equipment which has the primary purpose of delivering capacity, and complies with International Accounting Standard 16, including both new property, plant and equipment and qualifying work undertaken on existing property, plant and equipment where it forms part of refurbishment or Lifetime Extension Works,

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- for a Generating CMU or an Unproven DSR CMU, on that CMU, or
 - for an Interconnector CMU, on that CMU together with the Non-GB Part;
- (f) We have sufficient expertise and experience to meet the requirements in the Capacity Market Rules to act as an Independent Technical Expert;
- (g) We are Independent of the Capacity Provider;
- (h) This report is true, correct and completed to the Required Technical Standard; and
- (i) A description of work that has been conducted has been provided to the Capacity Provider

Signed	
Signed on behalf of (where applicable) Use this box when signing on behalf of a Company or Partnership or other business entity. Do not use this box if you are signing work in a personal capacity (i.e. sole trader).	
Print name	

Report A1 of Exhibit KA: Unproven DSR CMUs Total Project Spend – Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) in respect of which the Independent Technical Expert's report provides evidence of Total Project Spend. Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Independent Technical Expert
Unique CMU Identifier	This is the unique CMU identifier as per the latest Capacity Agreement Notice.	
Capacity Agreement Reference	This is the Capacity Agreement Reference as per the latest Capacity Agreement Notice.	

Identity of the Independent Technical Expert

Item	Guidance	Information from Independent Technical Expert
Full Name		
Business Entity Name		
Contact Telephone(s)		
Contact Email(s)		
Business Address	Provide if available	

Eligibility

Complete the following information for the CMU identified above:

Q1: Is the CMU an Unproven DSR CMU?

Yes No

If the answer to Q1 is no do not complete this report. If the answer to Q1 is yes complete all questions and declarations in this report.

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For the table below identify each DSR CMU Component comprising the CMU identified in this report.

DSR Component	Meter Manufacturer Serial Number component in respect of which the highest Capital Expenditure forming part of the Total Project Spend has been incurred

Table 1: Demonstration of incurred costs

In respect of each DSR CMU Component, specify the amount of Capital Expenditure for that component. Where all of the following circumstances apply specify an amount of zero for the Capital Expenditure in respect of a DSR CMU Component (noting this as the reason for specifying an amount of zero).

- the DSR CMU Component formed part of another CMU (“CMU B”);
- CMU B held a Capacity Agreement of a duration exceeding one Delivery Year; and
- CMU B incurred Capital Expenditure in respect of the DSR CMU Component, which was certified under Rule 8.3.6 to be part of the Total Project Spend for the CMU identified in this report.

DSR Component	Capital Expenditure	If zero reason

Table 2: Capital Expenditure Table

Independent Technical Expert Statement:

We confirm that for the above Capacity Market Unit (CMU) on the basis of evidence reviewed that:

- (a) We are Independent of the Capacity Provider;
- (b) This report is true, correct and completed to the Required Technical Standard; and
- (c) A description of work that has been conducted has been provided to the Capacity Provider.

Signed	
Signed on behalf of (where applicable) Use this box when signing on behalf of a Company or Partnership or other business entity. Do not use this box if you are signing work in a personal capacity (i.e. sole trader).	
Print name	
Date	

Report B of Exhibit KA: Meeting Extended Years Criteria – Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) that is wishing to submit the Independent Technical Expert report to provide evidence of the CMU meeting the Extended Years Criteria (EYC) for this Capacity Agreement. Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Capacity Provider or Independent Technical Expert
Unique CMU Identifier	This is the unique CMU identifier as per the latest Capacity Agreement Notice (CAN).	
Capacity Agreement Reference	This is the Capacity Agreement Reference as per the latest Capacity Agreement Notice (CAN).	

Identity of the Independent Technical Expert

Item	Guidance	Information from Independent Technical Expert
Full Name	N/A	
Business Entity Name	N/A	
Contact Telephone(s)	N/A	
Contact Email(s)	N/A	
Business Address	Provide if available	

New Apparatus as per 8.3.6B(a)(i)

Please complete the following information for the CMU identified above:

Q1: Do any Generating Units within the CMU contain a Core Generating Plant with new Apparatus?

Yes No

If the answer to Q1 is yes complete item 1 below. If the answer to Q1 is no do not complete item 1 below.

Item	Guidance	Information from Independent Technical Expert
1) For each Generating Unit within the CMU that contains a Core Generating Plant with new Apparatus provide evidence that the Apparatus is new	Providing relevant invoices or contractual documents is good practice where possible.	

Table 3: ITE evidence if the CMU contains new Apparatus

New and Rebuilt Apparatus as per 8.3.6B(a)(ii)

Please complete the following information for the CMU identified above:

Q2: Do any Generating Units within the CMU contain a Core Generating Plant with both new and rebuilt Apparatus?

Yes No

If the answer to Q2 is yes complete item 2 below. If the answer to Q2 is no do not complete item 2 below.

Decision – Decision on Statutory Consultation on Capacity Market Rule Change Proposals 2026

Item	Guidance	Information from Independent Technical Expert
2) For each Generating Unit that contains a Core Generating Plant that contains both new and rebuilt Apparatus provide evidence that at least one complete generator or turbine is new	Providing relevant invoices or contractual documents is good practice where possible.	

Table 4: Independent Technical Expert evidence if the CMU contains both new and rebuilt Apparatus

Rebuilt or Reused Apparatus as per 8.3.6B(a)(iii)

Please complete the following information for the CMU identified above:

Q3: Do any Generating Units within the CMU contain a Core Generating Plant with any rebuilt or previously used Apparatus?

Yes No

If the answer to Q3 is yes complete Q4, item 3 and Q5. If the answer to Q3 is no do not complete Q4, item 3 or Q5 below.

Q4: Has any Generating Unit within the CMU been used, or been available for use, for the generation and Export of electricity in Great Britain at any time in the three years preceding this Application? (As per 8.3.6B(a)(iii)(aa))

Yes No

Please note that if the answer to Q4 is yes, the CMU cannot meet the Extended Years Criteria.

Item	Guidance	Information from Independent Technical Expert
3) Please confirm the location/site of the previously used Generating Unit	Full address to be provided	

Table 5: Confirmation of location/site of previously used Generating Unit

Q5: Does any Generating Unit within the CMU:

- (a) Form part of a CMU that is installed on a site that has not previously been used for that CMU; and

(b) Form part of a CMU which is installed on a site that has not previously been used for that CMU and benefits from a new Grid or Distribution Connection Agreement? (As per 8.3.6B(a)(iii)(bb))

Yes No

Please note that if the answer to Q5 is no, the CMU cannot meet the Extended Years Criteria.

Routine Maintenance

Q6: Can each Generating Unit of the CMU, with routine maintenance, be expected to remain capable of operation for at least fifteen years beginning with the first Delivery Year for which the Capacity Agreement is awarded? (As per 8.3.6B(b))

Yes No

Please note that if the answer to Q6 is no, then the CMU cannot meet the Extended Years Criteria.

Item	Guidance	Information from Independent Technical Expert
4) Provide evidence that each Generating Unit of the CMU, with routine maintenance, can be expected to remain capable of operation for at least fifteen years beginning with the first Delivery Year for which the Capacity Agreement is awarded	N/A	
5) Provide an estimate of the operational lifespan of each Generating Unit within the CMU	The operational lifespan provided should not assume any significant refurbishment or rebuild that goes beyond routine maintenance	

Table 6: Operational lifespan information

Environmental Impacts and Energy Efficiency Standards

~~Q7: Does the Core Generating Plant of any Generating Unit of the CMU comprise all new Apparatus?~~

~~Yes No~~

~~If the answer to Q7 is no, then do not complete Q8, Q9, Q10 or Q11.~~

~~Q8: Is the CMU a combustion installation?~~

~~Yes — No~~

~~If the answer to Q8 is no, then only complete Q7, Q8 and Q9 in the Environmental Impacts and Energy Efficiency Standards section of this form and do not complete any other questions or items in this section of this form. If the answer to Q8 is yes, then do not complete Q9 and complete all other relevant questions in this section of this form.~~

~~Q9: Does the CMU meet the energy efficiency standards that could be expected of a new plant of the same type, size and energy source installed at that location? (As per 8.3.6B(d)(ii))~~

~~Yes — No~~

~~Note that if the answer to Q9 is no, the CMU cannot meet the Extended Years Criteria.~~

~~Q10: Is the CMU combustion installation covered by the BREF?~~

~~Yes — No~~

~~Note that “BREF” means the most recent version of the “Best Available Techniques Reference Document for Large Combustion Plants” issued by the European Commission pursuant to the Industrial Emissions Directive 2010 [Directive 2010/75/EU] prior to IP Completion Day (11pm on 31 December 2020), and as implemented by the Environment Agency, Natural Resources Wales, or Scottish Environment Protection Agency (as applicable) after IP Completion Day as per 8.3.6C(a).~~

~~If the answer to Q10 is yes, complete item 6 below if the answer to Q10 is no, then do not complete item 6 and complete Q11.~~

Item	Guidance	Information from ITE
6) If the CMU comprises a combustion installation covered by the BREF, provide the introductory note to the permit issued in respect of that CMU by the Environment Agency, Natural Resources Wales or the Scottish Environment Protection Agency (as applicable) (as per 8.3.6B(c))	N/A	

Table 7: Introductory note for combustion installations covered by the BREF

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~~Q11: For a CMU comprising a combustion installation not covered by the BREF does the CMU comply with the best available techniques levels, in relation to emissions and energy efficiency that are Applicable to a new combustion installation of the same type, size and energy source installed in GB? (As per 8.3.6B(d)(i))~~

~~Yes No~~

~~Please note that if the answer to Q11 is no, the CMU cannot meet the Extended Years Criteria.~~

Q7: Is the CMU a combustion installation?

Yes No

If Q7 is yes then complete Q8, if Q7 is no then complete Q9.

Q8: Is the CMU combustion installation covered by the BREF?

Yes No

Note that “BREF” means the most recent version of the “Best Available Techniques Reference Document for Large Combustion Plants” issued by the European Commission pursuant to the Industrial Emissions Directive 2010 [Directive 2010/75/EU] prior to IP Completion Day (11pm on 31 December 2020), and as implemented by the Environment Agency, Natural Resources Wales, or Scottish Environment Protection Agency (as applicable) after IP Completion Day as per 8.3.6C(a).

If Q8 is yes then complete item 6 and no further questions or items in the Environmental Impacts and Energy Efficiency Standards section of this form, if Q8 is no then complete Q9

Item	Guidance	Information from ITE
6) If the CMU comprises a combustion installation covered by the BREF, provide the introductory note to the permit issued in respect of that CMU by the Environment Agency, Natural Resources Wales or the Scottish Environment Protection Agency (as applicable) (as per 8.3.6B(c))	N/A	

Table 5: Introductory note for combustion installations covered by the BREF

Q9: Does the Core Generating Plant of any Generating Unit of the CMU not comprise all new Apparatus?

Yes No

If Q7 and Q9 are yes then complete Q10, if Q7 is no and Q9 is yes then complete Q11, if Q9 is no do not complete any further questions or items in the Environmental Impacts and Energy Efficiency Standards section of this form.

Q10: For a CMU comprising a combustion installation not covered by the BREF does the CMU meet the emissions and energy efficiency standards that could be expected of a new plant of the same type, size and energy source installed in Great Britain (as per 8.3.6B(d)(i))

Yes No

If Q10 is yes do not complete any further questions or items in the Environmental Impacts and Energy Efficiency Standards section of this form. Please note that if the answer to Q10 is no, the CMU cannot meet the Extended Years Criteria.

Q11: For a CMU that is not a combustion installation, does the CMU meet the energy efficiency standards that could be expected of a new plant of the same type, size and energy source installed at that location? (As per 8.3.6B(d)(ii))

Yes No

If Q11 is yes do not complete any further questions or items in the Environmental Impacts and Energy Efficiency Standards section of this form. Please note that if the answer to Q11 is no, the CMU cannot meet the Extended Years Criteria.

Independent Technical Expert Statement:

We confirm that for the above Capacity Market Unit (CMU):

- (a) We are satisfied, on the basis of evidence reviewed, that the CMU meets the Extended Years Criteria;
- (b) We have sufficient expertise and experience to meet the requirements in the Capacity Market Rules to act as an Independent Technical Expert;
- (c) We are Independent of the Capacity Provider;
- (d) This report is true, correct and completed to the Required Technical Standard; and
- (e) A description of work that has been conducted has been provided to the Capacity Provider.

Signed	
Signed on behalf of (where applicable) Use this box when signing on behalf of a Company or Partnership or other business entity. Do not use this box if you are signing work in a personal capacity (i.e. sole trader).	
Print name	
Date	

Report C of Exhibit KA: Financial Commitment Milestone – Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) in respect of which the Independent Technical Expert’s report provides evidence that the Capacity Provider of the CMU has met its Financial Commitment Milestone. Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Capacity Provider or Independent Technical Expert
Unique CMU Identifier	This is the unique CMU identifier as per the latest Capacity Agreement Notice (CAN).	
Capacity Agreement Reference	This is the Capacity Agreement Reference as per the latest Capacity Agreement Notice (CAN).	

Identity of the Independent Technical Expert

Item	Guidance	Information from Independent Technical Expert
Full Name	N/A	
Business Entity Name	N/A	
Contact Telephone(s)	N/A	
Contact Email(s)	N/A	
Business Address	Provide if available	

Financial Commitment Milestone

Item	Guidance	Information from Independent Technical Expert
1) CMU Type	Any of: <ul style="list-style-type: none"> • New Build Generating CMU • Refurbishing Generating CMU • New Build Interconnector CMU • Unproven DSR CMU 	
2) Capital Expenditure (determined in accordance with International Accounting Standard 16) that has been incurred and paid (£) [A]	It is good practice to evidence Capital Expenditure with relevant invoices. Capital Expenditure must be determined in accordance with International Accounting Standard 16 (IAS16).	
3) Total Project Spend (£) [B]	N/A	
4) Financial Commitment Milestone Deadline		

Table 8: Capital Expenditure and Total Project Spend values

Q1: Is the Capital Expenditure determined in accordance with International Accounting Standard 16 that has been incurred and paid greater than or equal to 10% of the Total Project Spend? (As per 6.6.2(a))

Yes No

Please note that if the Capital Expenditure incurred and paid in accordance with IAS16 is less than 10% of the Total Project Spend, the Capacity Agreement in respect of the CMU may be terminated in accordance with Rule 6.10.1(b) or for a Refurbishing CMU amended in accordance with Rule 6.8.4.

Q2: Have at least two Directors of the Capacity Provider (or officers, in the case of a Capacity Provider other than a company) certified that a Final Investment Decision has been taken for the full value of the Total Project Spend? (As per 6.6.2(b)(i))

Yes No

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Please note if the answer to Q2 is no the CMU cannot meet the Financial Commitment Milestone and the Capacity Agreement in respect of the CMU may be terminated in accordance with Rule 6.10.1(b) or for a Refurbishing CMU amended in accordance with Rule 6.8.4.

Item	Guidance	Information from Independent Technical Expert
5) Final Investment Decision Evidence	Provide evidence that the Final Investment Decision has been made. This should be signed by two Directors or officers. The definition of Final Investment Decision can be found in Rule 6.6.3A.	

Table 9: Final Investment Decision evidence

Q3: Is the project financed from sources other than Own Group Resources (The definition of Own Group Resources can be found in 6.6.3A)?

Yes No

If the answer to Q3 is yes complete item 6. If the answer to Q3 is no do not complete item 6.

Item	Guidance	Information from Independent Technical Expert
6) Financial Close evidence	Provide evidence that Financial Close has occurred (as per 6.6.2(b)(ii)). This should be signed by two Directors or officers. The definitions of Financial Close and Own Group Resources can be found in Rule 6.6.3A.	

Table 10: Financial Close evidence

Independent Technical Expert Statement:

We confirm that for the above Capacity Market Unit (CMU):

- (a) We are satisfied that both of the matters set out in Rule 6.6.2 have been met;
- (b) We are satisfied that the Capacity Provider’s accounting policies comply with International Accounting Standard 16 and that International Accounting Standard 16 has been used when calculating the Total Project Spend;
- (c) When determining the Total Project Spend incurred and paid the amount of Capital Expenditure only relates to property, plant and equipment which has the primary purpose of delivering capacity
 - for a Generating CMU or an Unproven DSR CMU, on that CMU, or
 - for an Interconnector CMU, on that CMU together with the Non-GB Part;
- (d) We have sufficient expertise and experience to meet the requirements in the Capacity Market Rules to act as an Independent Technical Expert;
- (e) We are Independent of the Capacity Provider;
- (f) This report is true, correct and completed to the Required Technical Standard; and
- (g) A description of work that has been conducted has been provided to the Capacity Provider.

Signed	
<p>Signed on behalf of (where applicable)</p> <p>Use this box when signing on behalf of a Company or Partnership or other business entity.</p> <p>Do not use this box if you are signing work in a personal capacity (i.e. sole trader).</p>	
Print name	
Date	

Report D of Exhibit KA: Long Stop Date Extension – Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) in respect of which the Independent Technical Expert's report provides evidence of the need for a Long Stop Date extension. Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Capacity Provider or Independent Technical Expert
Unique CMU Identifier	This is the unique CMU identifier as per the latest Capacity Agreement Notice (CAN).	
Capacity Agreement Reference	This is the Capacity Agreement Reference as per the latest Capacity Agreement Notice (CAN).	

Identity of the Independent Technical Expert

Item	Guidance	Information from Independent Technical Expert
Full Name	N/A	
Business Entity Name	N/A	
Contact Telephone(s)	N/A	
Contact Email(s)	N/A	
Business Address	Provide if available	

Long Stop Date Extension

Q1: Has the Capacity Provider agreed an extension to the date by which an active connection point must be provided?

Yes No

Decision – Decision on Statutory Consultation on Capacity Market Rule Change Proposals 2026

Please note that if the Capacity Provider has answered yes to Q1 then a Long Stop Date extension cannot be requested.

Q2: Has the Capacity Provider released the Transmission Licensee or the relevant Distribution Network Operator from its obligation to provide an active connection point under a Grid Connection Agreement or Distribution Connection Agreement?

Yes No

Please note that if the Capacity Provider has answered yes to Q2 then a Long Stop Date extension cannot be requested.

Q3: Is the CMU a Transmission CMU or a Distribution CMU

Transmission CMU Distribution CMU

If the CMU is a Transmission CMU complete Q4 and items 1 to 6 only. If the CMU is a Distribution CMU complete Q5 and items 7 to 12 only.

Q4: Is the delay in connection solely a result of a failure of a Transmission Licensee to provide an active connection point when required to do so in accordance with a valid Grid Connection Agreement?

Yes No

If the answer to Q4 above is no then a Long Stop Date extension cannot be requested.

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Item	Guidance	Information from Independent Technical Expert
1) Current Long Stop Date	This is the Long Stop Date for the CMU on the date this report is submitted to EMR DB	
2) Specify the original connection date within the Grid Connection Agreement	This is the date specified at Application under Rule 3.7.3(a)(ii) or for an Interconnector CMU Rule 3.7.3(aa)(ii)	
3) Provide evidence of the delayed active connection point (Transmission CMU only)	N/A	
4) Expected Date of Connection	N/A	
5) Number of days delay in active connection point	N/A	
6) New Long Stop Date	This must only be extended day for day as per Rule 6.7.7	

Table 11: Transmission CMU evidence and information

Q5: Is the delay in connection solely a result of a failure of a Distribution Network Operator to provide an active connection point when required to do so in accordance with a valid Distribution Connection Agreement?

Yes No

If the answer to Q5 above is no then a Long Stop Date extension cannot be requested.

Decision – Decision on Statutory Consultation on Capacity Market Rule Change Proposals 2026

Item	Guidance	Information from Independent Technical Expert
7) Current Long Stop Date	This is the Long Stop Date for the CMU on the date this report is submitted to EMR DB	
8) Specify the original connection date within the Distribution Connection Agreement	This is the date specified at Application under 3.7.3(b)(ii) of the CM Rules If Rule 3.7.3(c)(i) applies provide the date which is 18 months prior to the commencement of the relevant Delivery Year	
9) Provide evidence of the delayed active connection point (Distribution CMU only)	N/A	
10) Expected Date of Connection	N/A	
11) Number of days delay in active connection point	N/A	
12) New Long Stop Date	This must only be extended day for day as per Rule 6.7.7	

Table 12: Distribution CMU evidence and information

Independent Technical Expert Statement:

We confirm that for the above Capacity Market Unit (CMU):

- (a) We are satisfied, on the basis of evidence reviewed, that the CMU meets the requirements detailed in Rule 6.7.7;
- (b) We have sufficient expertise and experience to meet the requirements in the Capacity Market Rules to act as an Independent Technical Expert;
- (c) We are Independent of the Capacity Provider;
- (d) This report is true, correct and completed to the Required Technical Standard; and
- (e) A description of work that has been conducted has been provided to the Capacity Provider.

Signed	
Signed on behalf of (where applicable) Use this box when signing on behalf of a Company or Partnership or other business entity. Do not use this box if you are signing work in a personal capacity (i.e. sole trader).	
Print name	
Date	

Report E of Exhibit KA: Operational – Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) in respect of which the Independent Technical Expert's report provides evidence that the Capacity Provider of the CMU is Operational. Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Capacity Provider or Independent Technical Expert
Unique CMU Identifier	This is the unique CMU identifier as per the latest Capacity Agreement Notice (CAN).	
Capacity Agreement Reference	This is the Capacity Agreement Reference as per the latest Capacity Agreement Notice (CAN).	

Identity of the Independent Technical Expert

Item	Guidance	Information from Independent Technical Expert
Full Name	N/A	
Business Entity Name	N/A	
Contact Telephone(s)	N/A	
Contact Email(s)	N/A	
Business Address	Provide if available	

Operational

Q1: Is the CMU a New Build or Refurbishing Distribution CMU or a Refurbishing Transmission CMU?

Yes No

If the answer to Q1 is no do not complete this report. If the answer to Q1 is yes complete Q2.

Q2: Has the CMU been awarded any of the following types of agreement?

T-1 Agreement T-4 Agreement

If the answer to Q2 is T-1 Agreement complete items 1,2 and 3 below. If the answer to Q2 is T-4 Agreement complete items 4,5 and 6 below. If the CMU has been awarded both T-1 Agreements and T-4 Agreements complete all items below.

T-1 Agreements

Item	Guidance	Information from Independent Technical Expert
<p>1) Physical capacity of CMU verified (MW) [A]</p>	<p>Where there are multiple Generating Units within a CMU list the output of each Generating Unit and state the total CMU output as the sum of the outputs of each Generating Unit.</p>	
<p>2) De-Rating Factor [B]</p>	<p>Where there are multiple Generating Technology Classes within a CMU, list each applicable Generating Technology Class and De-rating Factor.</p> <p>This item is optional.</p>	
<p>3) De-rated Capacity [A] x [B]</p>	<p>If the CMU contains a single Generating Unit or multiple Generating Units all with the same Generating Technology Class, then this is [A] x [B]</p> <p>Where there are multiple Generating Units across different Generating Technology Classes then this is:</p> $\sum_{GU \text{ in CMU}} [A] \times [B]$ <p>Which is the sum across all Generating Units (and associated Generating Technology Classes) in the CMU</p> <p>This item is optional.</p>	

Table 13: T-1 Operational Information

T-4 Agreements

Item	Guidance	Information from Independent Technical Expert
4) Physical capacity of CMU verified (MW) [A]	Where there are multiple Generating Units within a CMU list the output of each Generating Unit and state the total CMU output as the sum of the outputs of each Generating Unit.	
5) De-Rating Factor [B]	Where there are multiple Generating Technology Classes within a CMU list each applicable De-Rating Factor. This item is optional.	
6) De-rated Capacity [A] x [B]	If the CMU contains a single Generating Unit or multiple Generating Units all with the same Generating Technology Classes then this is [A] x [B] Where there are multiple Generating Units across different Generating Technology Classes then this is: $\sum_{GUs \text{ in } CMU} [A] \times [B]$ <p>Which is the sum across all Generating Units (and associated Generating Technology Classes) in the CMU.</p> This item is optional.	

Table 14: T-4 Operational Information

Independent Technical Expert Statement:

We confirm that for the above Capacity Market Unit (CMU):

- (a) The output of the CMU figure recorded above is an accurate representation of the physical capacity of the CMU;
- (b) If the CMU is a Distribution Connected New Build or Refurbishing CMU that all Distribution Network Operator commissioning tests required to commence export have been completed such that the Generating CMU is permitted to despatch that physical capacity into the Distribution Network;
- (c) If the CMU is a Transmission Connected Refurbishing CMU that an interim operational notification (ION) or Final Operational Notification (as applicable) has been issued for the CMU and for the specified physical capacity described above;
- (d) We have sufficient expertise and experience to meet the requirements in the Capacity Market Rules to act as an Independent Technical Expert;
- (e) We are Independent of the Capacity Provider;
- (f) This report is true, correct and completed to the Required Technical Standard; and
- (g) A description of work that has been conducted has been provided to the Capacity Provider.

Signed	
Signed on behalf of (where applicable) Use this box when signing on behalf of a Company or Partnership or other business entity. Do not use this box if you are signing work in a personal capacity (i.e. sole trader).	
Print name	
Date	

Report F of Exhibit KA: Construction Progress Remedial Plan – Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) in respect of which the Independent Technical Expert’s report provides evidence that the Capacity Provider meets the requirements under Rule 12.2.4 (a). Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Capacity Provider or Independent Technical Expert
Unique CMU Identifier	This is the unique CMU identifier as per the latest Capacity Agreement Notice (CAN).	
Capacity Agreement Reference	This is the Capacity Agreement Reference as per the latest Capacity Agreement Notice (CAN).	

Identity of the Independent Technical Expert

Item	Guidance	Information from Independent Technical Expert
Full Name	N/A	
Business Entity Name	N/A	
Contact Telephone(s)	N/A	
Contact Email(s)	N/A	
Business Address	Provide if available	

Construction Progress Remedial Plan

Q1: Is the CMU a Prospective CMU

Yes No

If the answer to Q1 is no then do not complete this form. If the answer is yes complete the items and questions below.

Q2: Has the latest progress report submitted under Rule 12.2.1 included the latest date for the SCM moving to later than the first day of the relevant Delivery Year and has the Delivery Body consequently requested a remedial plan?

Yes No

If the answer to Q2 is no then do not complete this form. If the answer is yes complete the items and questions below.

For each of the Milestones in the table below please provide the following information:

- Earliest date at Application;
- Latest date at Application;
- Earliest and latest date in latest progress report;
- Explanation of delay (as per Rule 12.2.1(a));
- Proportion of delay attributable to each factor given in the explanation of delay, including how each proportion is derived from sequential or concurrent delay (as per Rule 12.2.1(a));
- Remedial action to take such that the latest date for the Substantial Completion Milestone is the first day of the relevant Delivery Year

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Item	Details
1) Financial Commitment Milestone	
2) Commencement of construction works	
Achievement of the Back-feed Milestone	
3) Achievement of the Substantial Completion Milestone	
Major Contract Date	
Completion of Main Foundations	
First Delivery Date (or, in the case of an Interconnector CMU, Commencement of Cable Laying)	
First Firing Date (or, in the case of an Interconnector CMU, First Test Connection Date)	

Table 15: Milestone information

Q3: Is the remedial plan achievable?

Yes No

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Item	Guidance	Information from Independent Technical Expert
4) Independent Technical Expert commentary on whether the remedial plan is achievable (as per 12.2.2.4(a))		

Table 16: Independent Technical Expert Commentary

Independent Technical Expert Statement:

We confirm that for the above Capacity Market Unit (CMU):

- (a) We are satisfied on the basis of evidence reviewed and our expert opinion, that the remedial plan;
Is achievable Is not achievable
- (b) We have sufficient expertise and experience to meet the requirements in the Capacity Market Rules to act as an Independent Technical Expert;
- (c) We are Independent of the Capacity Provider;
- (d) This report is true, correct and completed to the Required Technical Standard; and
- (e) A description of work that has been conducted has been provided to the Capacity Provider.

Signed	
Signed on behalf of (where applicable) Use this box when signing on behalf of a Company or Partnership or other business entity. Do not use this box if you are signing work in a personal capacity (i.e. sole trader).	
Print name	
Date	

Report G of Exhibit KA: DSR Partial Credit Cover Release – Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) in respect of which the Independent Technical Expert’s report provides evidence that the Capacity Provider meets the requirements for DSR partial Credit Cover release. Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Capacity Provider or Independent Technical Expert
Unique CMU Identifier	This is the unique CMU identifier as per the latest Capacity Agreement Notice (CAN).	
Capacity Agreement Reference	This is the Capacity Agreement Reference as per the latest Capacity Agreement Notice (CAN).	

Identity of the Independent Technical Expert

Item	Guidance	Information from Independent Technical Expert
Full Name	N/A	
Business Entity Name	N/A	
Contact Telephone(s)	N/A	
Contact Email(s)	N/A	
Business Address	Provide if available	

DSR Partial Credit Cover Release

Q1: Is the Capacity Agreement of a duration exceeding one Delivery Year?

Yes No

If the answer to Q1 is no then do not complete this form. If the answer is yes complete the items and questions below.

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Item	Guidance	Information from Independent Technical Expert
5) Specify the Capacity Agreement duration		
6) Specify the value in £/kW of the applicable Three Year Minimum Threshold or Fifteen Year Minimum Threshold	The value of the applicable minimum threshold are detailed in the auction parameters determined by the Secretary of State for the Department for Energy Security and Net Zero. The relevant threshold value relates to the Capacity Auction at which the Capacity Agreement was awarded.	
7) Specify the threshold declared on Application under Rule 3.10.1(aa)(i)	Rule 3.10.1(aa)(i) relates to the statement submitted on Application as to whether the Qualifying £/kW Capital Expenditure will be greater than or equal to the Fifteen Year Minimum £/kW Threshold or the Three Year Minimum £/kW Threshold	

Table 17: Agreement duration, threshold and Capital Expenditure information

Q2: Does the Applicant, Bidder or Capacity Provider (P) have reasonable grounds to believe that the Qualifying £/kW Capital Expenditure for the CMU will be equal to or greater than the expected Qualifying £/kW Capital Expenditure declared under Rule 3.10.1(aa)(i)?

Yes No

If the response to Q2 is no DSR Partial Credit Cover Release cannot be granted.

Item	Guidance	Information from Independent Technical Expert
8) Specify the DSR CMU's De-rated Capacity		

Table 18: CMU De-rated Capacity

Q3: Do you expect the DSR CMU Components identified in the declaration under Rule 6.7B.1(ii), which have been acquired and/or in respect of which Contractual DSR Control has been acquired to form the CMU, to provide at least 50 per cent of the CMU's De-rated Capacity?

Yes No

Note that “contractual DSR control” means (as per Regulation 5(4)), in respect of any Delivery Year, having the right (whether by ownership or pursuant to contract notwithstanding that terms and conditions may apply to its exercise) exclusively to control all or part of the metered volume of any Demand Side Response CMU component to provide Demand Side Response when required to do so in that Delivery Year.

If the response to Q3 is no, DSR Partial Credit Cover Release cannot be granted.

Item	Guidance	Information from Independent Technical Expert
<p>9) Specify the De-rated Capacity of the components within the DSR CMU components that are expected to provide 50% of the CMU’s De-rated Capacity</p>	<p>Where there are large numbers of components please provide these as a separate appendix to this report.</p>	

Table 19: Component level De-rated Capacity

Independent Technical Expert Statement:

We confirm that for the above Capacity Market Unit (CMU):

- (a) That the Applicant, Bidder or Capacity Provider has reasonable grounds to believe that the Qualifying £/kW Capital Expenditure for the CMU will be equal to or greater than the expected Qualifying £/kW Capital Expenditure declared under Rule 3.10.1(aa)(i);
- (b) The DSR CMU Components identified in the declaration, which have been acquired and/or in respect of which Contractual DSR Control has been acquired to form the CMU, are expected to provide at least 50 per cent of the CMU's De-rated Capacity;
- (c) We have sufficient expertise and experience to meet the requirements in the Capacity Market Rules to act as an Independent Technical Expert;
- (d) We are Independent of the Capacity Provider;
- (e) This report is true, correct and completed to the Required Technical Standard; and
- (f) A description of work that has been conducted has been provided to the Capacity Provider.

Signed	
Signed on behalf of (where applicable) Use this box when signing on behalf of a Company or Partnership or other business entity. Do not use this box if you are signing work in a personal capacity (i.e. sole trader).	
Print name	
Date	

Report H of Exhibit KA - Long Stop Utilisation Declaration - Independent Technical Expert Report

General Identification Information

Please complete the information below to allow the Delivery Body to identify the Capacity Market Unit (CMU) that this Independent Technical Expert report relates to. This CMU must be the same as the CMU the Applicant has provided or will provide a Long Stop Date Utilisation Declaration for. Existing ITE Reports signed and dated prior to the commencement of the 2026 Prequalification Window may be used until the commencement of the 2029 Prequalification Window. After this time, all ITE reports submitted to the Delivery Body must use the mandatory templates.

Item	Guidance	Information from Independent Technical Expert
Relevant CMU	This is the unique CMU identifier used for this Application	
Application Year	As specified in the Auction Guidelines as the year of the Prequalification Window	

Identity of the Independent Technical Expert

Item	Information from Independent Technical Expert
Full Name	
Business Entity Name	
Contact Telephone(s)	
Contact Email(s)	
Business Address	

Q1: Is the Relevant CMU a Prospective Generating CMU?

Yes No

If the answer to Q1 is no then this form will be rejected. If the answer to Q1 is yes complete Q2.

Q2: Does the Application for the Relevant CMU relate to a T-4 Auction?

Yes No

If the answer to Q2 is no then this form will be rejected. If the answer to Q2 is yes complete Q3.

Q3: Is the Relevant CMU a Declared Low Carbon CMU?

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Yes No

If the answer to Q3 is no then this form will be rejected. If the answer to Q3 is yes complete all other questions and items.

Declared Long Stop Date Declaration Duration

Item	Guidance	Information from Independent Technical Expert
1) Selected Long Stop Date option	As per Exhibit AA Part 2 this is either: Option (a) - 12 months after the start of the Relevant CMU's first scheduled Delivery Year; or <ul style="list-style-type: none"> • Option (b) - 24 months after the start of the Relevant CMU's first scheduled Delivery Year. 	

Table 1 : Long Stop Date Extension Duration

Low Carbon Declaration

Q4: Does the Low Emissions Statement in the Low Carbon Declaration confirm that the Relevant CMU will qualify as a Low Emissions CMU (in the case of a New Build CMU or Refurbishing CMU) — meaning that, during the Low Carbon Period, it will comprise Fossil Fuel Components with emissions that do not exceed the Low Carbon Limit and contain no Other Emitting Components?

Yes No

If the answer to Q3 is yes complete item 2. If the answer to Q3 is no complete Q5 and item 3.

Please complete the following information for the Relevant CMU identified above.

Item	Guidance	Information from Independent Technical Expert
2) Evidence and Analysis	This evidence and analysis should assess whether it is reasonable for the Applicant to make the declaration as per Q4. The supporting analysis should include estimates of Fossil Fuel Component emissions and demonstrate that this is less than the Low Carbon Limit.	

Table 2 : Low Carbon Limit Evidence and Analysis

Q5: Does the Low Emissions Statement in the Low Carbon Declaration confirm that the Relevant CMU does not and will not comprise of an Emissions Component

Yes No

Item	Guidance	Information from Independent Technical Expert
3) Evidence and Analysis	This should demonstrate that the CMU contains no Fossil Fuel Components or Other Emitting Components.	

Table 3: No Fossil Fuel or Other Emitting Components Evidence and Analysis

Qualifying £/kW Capital Expenditure

Please complete the following information for the Relevant CMU identified above.

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Item	Guidance	Information from Independent Technical Expert
4) Total Project Spend (£) [A]	This is the Total Project Spend on Application as per Rule 3.7.2 (c)	
5) De-Rated Capacity [B]	This is the De-rated Capacity value at Application	
6) Nine Year Minimum £/kW Threshold	The relevant Nine Year Minimum £/kW Threshold value as determined by the Secretary of State for the relevant Auction	
7) Qualifying £/kW Capital Expenditure Spend per kW [A]/ [B]	<p>This is the Qualifying £/kW Capital Expenditure as per Rule 8.3.6</p> <p>If the spend per kW is less than the Nine Year Minimum £/kW Threshold the CMU cannot be a Declared Long Stop CMU</p>	
8) Evidence and supporting Analysis	This is required as per Rule 3.8A.4. This should include a commentary and description of how the expected Total Project Spend has been calculated.	

Table 4 : Qualifying £/kW Capital Expenditure

Substantial Completion Milestone

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Item	Guidance	Information from Independent Technical Expert
9) CMU Type	Any of: <ul style="list-style-type: none"> • New Build CMU • Refurbishing CMU 	
10) Reason for Long Stop Date Utilisation Declaration	This is any combination of: <ul style="list-style-type: none"> • the extent or complexity of the engineering work involved in the CMU's construction; • the degree to which the achievement of the Substantial Completion Milestone relies on technology that has not previously been deployed in circumstances comparable to those of the CMU; • the length of the lead times involved in procuring specific items of equipment that are to be comprised in the CMU; • the degree to which the achievement of the Substantial Completion Milestone in respect of the CMU depends on another infrastructure project being completed, where that other project may reasonably be expected not to be completed by the date referred to Rule 3.8A.2(b)(iii) • any other characteristic or circumstance that is particular to the CMU (or any class of generating units to which it belongs), and that it is reasonably foreseeable may result in the Substantial Completion Milestone not being achieved in respect of the CMU by the date falling 12 months after the start of the first Delivery Year (where this is the case please give precise details of the issue) 	
11) Supporting Evidence and Analysis	This is required as per Rule 3.8A.4 and should include reference to the project timeline that is provided with this report.	

Table 5 : Qualifying £/kW Capital Expenditure

Independent Technical Expert Statement:

We confirm that for the above Relevant Capacity Market Unit (CMU):

- (a) It is reasonable for the Applicant to make the declaration referred to in Rule 3.8A.2(b)(i)
- (b) It is reasonable for the Applicant to have the expectation, and to hold the belief referred to in Rule 3.8A.2(b)(ii)
- (c) It is reasonable for the Applicant to have the expectation, and to hold the belief referred to in Rule 3.8A.2(b)(iii)
- (d) We have provided a project timeline in respect of the financing and carrying out of work for this CMU which is consistent with the evidence and analysis contained in the report and the Construction Plan provided with the Application as required by Rule 3.8A.5.
- (e) We have sufficient expertise and experience to meet the requirements in the Capacity Market Rules to act as an Independent Technical Expert;
- (f) We are Independent of the Applicant;
- (g) This report is true, correct and completed to the Required Technical Standard; and
- (h) A description of work that has been conducted has been provided to the Applicant.

Signed	
<p>Signed on behalf of (where applicable)</p> <p>Use this box when signing on behalf of a Company or Partnership or other business entity.</p> <p>Do not use this box if you are signing work in a personal capacity (i.e. sole trader).</p>	

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Print name	
Date	

Annex 2– Updated Exhibits

EXHIBIT A: FORM OF PREQUALIFICATION CERTIFICATE

1. General Identification Information

Item	Guidance	Information from Directors
Name of Applicant:	Entity name	
Address of registered office:		
Company registration number (or equivalent if Company Registration Number is not applicable):	For GB Companies and LLPs this can be found on Companies House. For overseas entities, please provide the unique identifier issued by your country's company registry or equivalent authority. Individuals should leave this blank	
Application year:	Calendar year of original application submission	

2. Applicable questions

2.1 Declarations (aa) and (ba) in Section 3 below only apply if the Applicant is attempting to Prequalify an Interconnector CMU where there are Joint Owners.

2.2 Declaration (f) in Section 3 below only applies if the Applicant is attempting to Prequalify a Refurbishing CMU where the Qualifying £/kW Capital Expenditure is equal to or greater than the Three Year Minimum £/kW Threshold.

3. Declarations

The Directors of the Applicant hereby certify as at the date of this certificate that, having made due and careful enquiry and to the best of our knowledge, information and belief:

- (a) there is no ground on which the Applicant could be found to be Insolvent, taking into account all of the Applicant's liabilities (including any contingent or prospective liabilities);
- (aa) there is no ground on which a Joint Owner could be found to be Insolvent, taking into account all of that Joint Owner's liabilities (including any contingent or prospective liabilities);
- (b) there is no ground for concluding that the Applicant will become Insolvent as a result of entering into a Capacity Agreement;
- (ba) there is no ground for concluding that a Joint Owner will become Insolvent as a result of the Applicant entering into a Capacity Agreement;
- (c) the Applicant is seeking to enter into a Capacity Agreement in good faith, for the purposes of carrying on its business;
- (d) there are reasonable grounds for believing that a Capacity Agreement would benefit the Applicant;
- (e) the Applicant can correctly make those declarations in Rules 3.4 to 3.11 of the Capacity Market Rules as may be applicable;
- (f) taking into account current economic conditions and the regulatory and legislative framework
 - (i) there are reasonable grounds to believe that a Capacity Agreement greater than one year in duration is required to facilitate the improvements programme at the Refurbishing CMU;
 - (ii) the Qualifying £/kW Capital Expenditure has been determined, so far as possible, without reference to any substantive routine or statutory maintenance works required at the Refurbishing CMU; and
 - (iii) the Applicant's determination of the Capital Expenditure is in accordance with International Accounting Standard 16.
- (g) that the Application has been completed in accordance with the requirements of the Capacity Market Rules 2014 and the Electricity Capacity Regulations 2014, as amended; and

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- (h) that where previous Exhibits, Declarations or Additional Information have been resubmitted under Rule 3.3.6A, confirm that they remain valid and in accordance with the Capacity Market Rules 2014 as amended.

Note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

<u>Signature</u>	
<u>Date (dd/mm/yyyy)</u>	
<u>Print Name</u>	

Note: No second signature is required for sole director companies, see Rule 1.3.A

<u>Signature</u>	
<u>Date (dd/mm/yyyy)</u>	
<u>Print Name</u>	

EXHIBIT AA: FORM OF LONG STOP UTILISATION DECLARATION

Item	Guidance	Information from Directors
Name of Relevant Party :	Applicant Entity	
Address of registered office:		
Company registration number (or equivalent if Company Registration Number is not applicable):	For GB Companies and LLPs this can be found on Companies House. For overseas entities, please provide the unique identifier issued by	

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	your country's company registry or equivalent authority. Individuals should leave this blank	
Application year:	Calendar year of original application submission	
CMU ID:	The Relevant CMU	
Relevant T-4 Auction:	Year of the Auction Prequalification process in which the Low Carbon Declaration is being provided relates	
Name of Independent Technical Expert(s):		

Note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated

The Relevant Party declare and confirm the matters set out below with reference to the Relevant CMU .

Part 1: Delivery after the first Delivery Year

1. The Relevant Application relates to the Relevant Auction.	
2. The Relevant CMU is a;	New Build CMU <input type="checkbox"/> Refurbishing CMU <input type="checkbox"/>
3. A Low Carbon Declaration in relation to the Relevant CMU is being provided with the Relevant Application.	
4. The Company intends to commit to Qualifying £/kW Capital Expenditure, that exceeds the Three Year	

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Minimum £/kW Threshold (the threshold is set out in notices specific to each Auction).	
5. We reasonably believe it is likely that, even if all the conditions specified in Rule 3.8A.3(a) are satisfied, the Substantial Completion Milestone will not be achieved in respect of the Relevant CMU by the date falling 12 months after the start of the Relevant Delivery Year, for a reason relating to one or more of the matters specified in Rule 3.8A.3(b).	
6. The particular reason(s) for the belief stated in paragraph 5 above are:	
- - - - -	

Part 2: Selection of Long Stop Date option

If the Relevant Application is successful and the Relevant CMU is awarded a Capacity Agreement, the Company wishes the Long Stop Date in respect of that Capacity Agreement to be the date (please select (a) or (b)):

- (a) falling 12 months after the start of the Relevant CMU's Relevant Delivery Year.
- (b) falling 24 months after the start of the Relevant CMU's Relevant Delivery Year.

Part 3: Confirmations

1. In this Part, the "relevant period" is the period of 12 or 24 months leading up to the date specified in Part 2.
2. We have discussed the basis for the beliefs declared in paragraphs 5 and 6 of Part 1 above with our Independent Technical Expert(s), whose report under Rule 3.8A.4(b) is provided, as required, with the Relevant Application.
3. We believe that the Relevant CMU will be able to achieve the Substantial Completion Milestone in the relevant period.
4. We understand that:

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- (a) if, at the end of the relevant period, the Relevant CMU has not achieved the Minimum Completion Requirement, the relevant T-4 Capacity Agreement is liable to be terminated under Rules 6.8.2 and 6.10.1(c) and the Company would be liable to pay a TF5 termination fee;
- (b) the Relevant CMU will not be able to obtain a T-1 Capacity Agreement in respect of any Delivery Year that ends before the Long Stop Date of any T-4 Capacity Agreement that it is awarded in the Capacity Auction for which it is submitting the Relevant Application to prequalify;
- (c) any relevant T-4 Capacity Agreement will be issued for no more than the Maximum Obligation Period, and there will be no entitlement, as a result of our making this declaration or of the award of the relevant T-4 Capacity Agreement, for any person to receive Capacity Payments in respect of the relevant CMU before the Long Stop Date referred to in the Capacity Agreement Notice issued in relation to the relevant T-4 Capacity Agreement; and
- (d) if anything in this declaration is found to be untrue or inaccurate, or if anything in the Independent Technical Expert's report referred to above is in any material respect not true or accurate, the relevant T-4 Capacity Agreement may be terminated.

Signature of Director	
Date (dd/mm/yyyy)	
Print Name	

Note: No second signature is required for sole director companies, see Rule 1.3.A

Signature of Director	
Date (dd/mm/yyyy)	
Print Name	

EXHIBIT AB: FORM OF LIFETIME EXTENSION DECLARATION

Item	Guidance	Information from Directors
Name of Relevant Party:	Applicant Entity	
Address of registered office:		
Company registration number <u>(or equivalent if Company Registration Number is not applicable)</u>:	For GB Companies and LLPs this can be found on Companies House. For overseas entities, please provide the unique identifier issued by your country's company registry or equivalent authority. Individuals should leave this blank	
Application year:	Calendar year of original application submission	
CMU ID:	The Relevant CMU	

Note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated

The Relevant Party, hereby certify as at the date of this certificate that, having made due and careful enquiry and to the best of our knowledge, information and belief:

- (a) Rule 3.8.1A(ba) applies because the improvements programme at the Relevant CMU is intended by the Applicant to include Lifetime Extension Works;
- (b) taking into account current economic conditions and the regulatory and legislative framework, there are reasonable grounds to believe that a Capacity

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Agreement greater than one year in duration is required to facilitate the improvements programme at the Relevant CMU;

(c) the Qualifying £/kW Capital Expenditure has been determined, without reference to any substantive routine or statutory maintenance works required at the Relevant CMU other than those necessary to deliver Lifetime Extension Works which are incurred or are expected to be incurred between the Auction Results Day for the T-4 Auction to which the Application relates and the start of the first Delivery Year.

Signature of Director	
Date (dd/mm/yyyy)	
Print Name	

Note: No second signature is required for sole director companies, see Rule 1.3.A

Signature of Director	
Date (dd/mm/yyyy)	
Print Name	

EXHIBIT B: FORM OF PRICE-MAKER CERTIFICATE

Item	Guidance	Information from Director
Name of Applicant:		
Address of registered office:		
Company registration number (<u>or equivalent if Company Registration Number is not applicable</u>):	For GB Companies and LLPs this can be found on Companies House. For overseas entities, please provide the unique identifier issued by your country's company registry or equivalent authority. Individuals should leave this blank	
Application year:	Calendar year of original application submission	

The Relevant CMU:

Q1: Specify the CMU Type:

Existing Generating CMU

Interconnector CMU

If the relevant CMU is neither of the above then completion of this Exhibit is not applicable.

Item	Guidance	Information from Director
CMU ID:		
CMU Name:		

Declarations:

The Directors of the Applicant, hereby certify as at the date of this certificate that, having made due and careful enquiry and to the best of our knowledge, information and belief:

- (a) the Applicant has applied for Prequalification in a Capacity Auction in accordance with the Capacity Market Rules with respect to the following Existing Generating CMU or Existing Interconnector CMU;
- (b) the Applicant has received notice from the Delivery Body that the Relevant CMU has Prequalified for the purposes of the Capacity Market Rules;
- (c) the Applicant’s forecast economics are such that for the Relevant CMU to continue in economic operation into the Delivery Year will require the Company to secure a Capacity Agreement in the Capacity Auction with respect to the Relevant CMU at a Clearing Price which is above the Price-Taker Threshold; and
- (d) the Applicant’s estimated net going forward costs with respect to the Relevant CMU (being the Company’s total revenue requirement with respect to the Relevant CMU less risk-adjusted market value from sales of energy and ancillary services with respect to the Relevant CMU) exceed the Price-Taker Threshold.

The Company accordingly wishes to be a Price-Maker with respect to the Relevant CMU and has prepared a Price-Maker Memorandum which supports the statements in this certificate and lodged such Price-Maker Memorandum with the Authority.

Signature	
Date (dd/mm/yyyy)	
Print Name	

Signature:	
Date (dd/mm/yyyy)	
Print Name	

EXHIBIT C: FORM OF CERTIFICATE OF CONDUCT

Item	Guidance	Information from Directors
Name of Applicant:	Entity name	
Address of registered office:		
Company registration number (or equivalent if Company Registration Number is not applicable):	For GB Companies and LLPs this can be found on Companies House. For overseas entities, please provide the unique identifier issued by your country's company registry or equivalent authority. Individuals should leave this blank.	
Application year:	Calendar year of original application submission	

We the Directors of the Applicant hereby certify as at the date of this certificate that, having made due and careful enquiry and to the best of their knowledge, information and belief:

(a) the Applicant has complied with all laws intended to prohibit or restrict anti-competitive practices relevant to its Application or proposed participation in a Capacity Auction;

(b) neither the Applicant nor any other Applicant-related Party (if any) has engaged in any Market Manipulation;

(c) neither the Applicant nor any other Applicant-related Party (if any) or any member of the Applicant's Group has done anything which would constitute a breach of the Bribery Act 2010 as amended from time to time with a view to influencing the outcome of a Capacity Auction;

(d) neither the Applicant nor any other Applicant-related Party (if any) or any member of the Applicant's Group has offered to pay or give any sum of money, inducement or

valuable consideration directly or indirectly to any officer of an Administrative Party; and

(e) neither the Applicant nor any member of the Applicant's Group (nor any person to whom any such information has been shared) will disclose, whether directly or indirectly, information relating to any Continuing Bid or Exit Bid to be made by an Applicant with regard to a Bidding CMU, to any person, except where the disclosure was:

- (i) in accordance with any requirement under:
 - (aa) an enactment;
 - (bb) a licence under section 6(1) of EA 1989 (where the Company is the holder of such a licence); or
 - (cc) a document maintained under such a licence;
- (ia) Administrative Parties; or
- (ib) to the Competition and Markets Authority; or
- (ii) to a member of that Applicant's Group; or
- (iii) to its Agent provided that such Agent is not also the Agent of another Applicant (unless the other Applicant is a member of the Applicant's Group); or
- (iv) where the Applicant is not the legal owner of the CMU to which the Application relates, to the legal owner of the CMU;
- (v) where the Application is for an Interconnector CMU, to any person who is a Joint Owner in relation to that Interconnector CMU;
- (va) to any potential purchaser of the CMU;
- (vi) where the Applicant is the legal owner of the CMU, to any third party having, or potentially having, Despatch Control with respect to the Applicant's Group;
- (vii) to any provider of finance with respect to the Applicant's Group;
- (viii) to any shareholder in the Applicant or, where such a shareholder is a company and a member of a Group, to any other company which is a member of that shareholder's Group;
- (ix) to the professional advisers of:
 - (aa) the Applicant;

- (bb) any member of the Applicant’s Group;
- (cc) any shareholder in the Applicant or, where such a shareholder is a company and a member of a Group, of any other company which is a member of that Group; or
- (dd) any potential purchaser of the CMU; or
- (x) in respect of information that was already public.

(f) not obtained or attempted to obtain information relating to a Continuing Bid or Exit Bid made by any other Applicant save where such disclosure to the Applicant would be permitted under Rules 5.13.1(e)(ii) to 5.13.1(e)(x)

Please note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

Signature	
Date (dd/mm/yyyy)	
Print Name	

Please note: No second signature is required for sole director companies, see Rule 1.3.A

Signature	
Date (dd/mm/yyyy)	
Print Name	

EXHIBIT D: FORM OF APPLICANT DECLARATION

Item	Guidance	Response
CMU ID:		
Application year:	Calendar year of original application submission	
Company Name:	Despatch Controller	
Company Name:	Legal Owner	

Declarations:

The following confirmations and declarations are made jointly by the Legal Owner and the Despatch Controller and, together with the Legal Owner, the Relevant Parties with respect to the above Generating CMU and in relation to the Application to which this declaration relates the Relevant Application.

(a) Each of the Relevant Parties hereby confirms that:

- (i) the Legal Owner is the legal owner of each Generating Unit comprised in the Relevant CMU; and
- (ii) the Despatch Controller has Despatch Control with respect to each Generating Unit comprised in the Relevant CMU.

(b) Each of the Relevant Parties hereby declares that:

- (i) the Despatch Controller is the Applicant for the Relevant CMU in relation to the Relevant Application;
- (ii) in the event that the Relevant CMU becomes a Prequalified CMU for the Capacity Auction to which the Relevant Application relates, the Despatch Controller will be the Bidder for the Relevant CMU in that Capacity Auction; and
- (iii) in the event that the Relevant CMU becomes a Capacity Committed CMU pursuant to the Capacity Auction to which the Relevant Application relates, the Despatch Controller will be the Capacity Provider for the Relevant CMU.

Note: Capitalised terms used herein have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

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Please note: No second signature is required for sole director companies, see Rule 1.3A. Despatch Controller means, for a Generating CMU, the person exercising Despatch Control with respect to each Generating Unit comprised in that Generating CMU.

Legal Owner Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Legal Owner Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Despatch Controller Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Despatch Controller Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

EXHIBIT DA: FORM OF JOINT OWNER DECLARATION FOR EXISTING INTERCONNECTOR CMU

Item	Guidance	Response
Relevant CMU:	Description of Interconnector CMU and Non-GB Part	
CMU ID:	Existing Interconnector CMU and Non-GB Part	
Application year:	Calendar year of original application submission	
Relevant Parties:	The relevant parties are the parties who are together the Joint Owners in relation to Interconnector CMU and/or its associated Non-GB Part	
Applicant Party	Entity name	
Other Joint Owners		

Declarations:

The following confirmations and declarations are made by the “Relevant Parties” and are made in relation to the Application for the Relevant Existing Interconnector CMU (the “Relevant Application”).

(a) Each of the Relevant Parties hereby confirms that each is a Joint Owner in relation to the Relevant Existing Interconnector CMU; and

(b) Each of the Relevant Parties hereby declares that:

- (i)** The Applicant Party is the Applicant for the Relevant Existing Interconnector CMU in relation to the Relevant Application
- (ii)** in the event that the Relevant Existing Interconnector CMU becomes a Prequalified CMU for the Capacity Auction to which the Relevant Application relates, the Applicant Party will be the Bidder for the Relevant CMU in that Capacity Auction;
- (iii)** in the event that the Relevant Existing Interconnector CMU becomes a Capacity Committed CMU pursuant to the Capacity Auction to which the Relevant Application relates, the Applicant Party will be the Capacity Provider for the Relevant Existing Interconnector CMU.

Please note: Capitalised terms used herein have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

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To be executed by each Relevant Party by the signature of two directors, unless Rule 1.3A (inserted by the Capacity Market (Amendment) Rules 2014) applies, or execution is on behalf of a company which is not a UK-registered company (in which case it is to be duly executed under the law of the place in which the company is incorporated).

Item	Guidance	
Applicant entity:		
Company Address:		
Company Number:		
Registrar:	That holds company information where not UK Companies House	

Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

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Item	Guidance	
Joint Owner entity:		
Company Address:		
Company Number:		
Registrar:	That holds company information where not UK Companies House	

By signing below I confirm I have the authority to make the above declarations on behalf of the Joint Owner company

Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

EXHIBIT DC: FORM OF JOINT OWNER DECLARATION FOR PROSPECTIVE INTERCONNECTOR CMU

Item	Guidance	Response
Relevant CMU:	Description of Interconnector CMU and Non-GB Part	
Application year:	Calendar year of original application submission	
CMU ID:	This is the Relevant CMU for the purposes of the Declarations below	
Relevant Parties:	The relevant parties are the parties who are together the Joint Owners in relation to Interconnector CMU and/or its associated Non-GB Part	
Applicant Party	Entity Name	
Other Joint Owners		

The following confirmations and declarations are made by the Joint Owners in relation to the CMU ID (the “Relevant CMU”) and/or its associated Non-GB Part and are made in relation to the Application for the Relevant CMU (the “Relevant Application”):

- (a) Each of the Relevant Parties hereby confirms that each is a Joint Owner in relation to the Relevant CMU; and
- (b) Each of the Relevant Parties hereby declares that:
 - (i) The Applicant Party acts for the Relevant CMU in relation to the Relevant Application;
 - (ii) in the event that the Relevant CMU becomes a Prequalified CMU for the Capacity Auction to which the Relevant Application relates, the Applicant will be the Bidder for the Relevant CMU in that Capacity Auction;

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- (iii) in the event that the Relevant CMU becomes a Capacity Committed CMU pursuant to the Capacity Auction to which the Relevant Application relates, the Applicant will be the Capacity Provider for the Relevant CMU;
- (iv) any statement or declaration made or deemed to be made by the Applicant as Applicant, Bidder or Capacity Provider in accordance with the Capacity Market Rules (as amended) 2014 is made or deemed to be made by or in respect of all Relevant Parties;
- (v) any certification required to be made by the Applicant, Bidder or Capacity Provider in accordance with Capacity Market Rules, including the Prequalification Certificate and the Certificate of Conduct, is made by or in respect of all Relevant Parties.

Please note: Capitalised terms used herein have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

To be executed by each Relevant Party by the signature of two directors, unless Rule 1.3A (inserted by the Capacity Market (Amendment) Rules 2014) applies, or execution is on behalf of a company which is not a UK-registered company (in which case it is to be duly executed under the law of the place in which the company is incorporated).

Item	Guidance	
Applicant entity:		
Company Address:		
Company Number:		
Registrar:	That holds company information where not UK Companies House	

Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

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Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Item	Guidance	
Joint Owner entity:		
Company Address:		
Company Number:		
Registrar:	That holds company information where not UK Companies House	

By signing below I confirm I have the authority to make the above declarations on behalf of the Joint Owner company

Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

EXHIBIT E: FORM OF AGENT NOMINATION FORM

1) Applicant Details

Item	Information
Applicant (Entity name):	
Address:	
Telephone:	
Email:	
CMU IDs to which Agent Nomination Form relates:	
Matters for which the Agent is appointed:	Applications <input type="checkbox"/> Bidding <input type="checkbox"/> Receiving / sending correspondence and notices to / from Administrative Parties <input type="checkbox"/> Obligation Trading <input type="checkbox"/> Volume Reallocation <input type="checkbox"/>

2) Agent Details

Item	Information
Agent:	
Address:	
Telephone number:	
Email:	
Agent's Company Number	
Agent's Group, Ultimate Holding Company Name	
Agent's Group, Ultimate Holding Company Number	
Date from which appointment is to be effective:	

3) Appointment of Agent:

The Applicant hereby gives notice that:

- a) it appoints the Agent listed above to act as its Agent in relation to all matters set out in the 'Matters for which the Agent is appointed' field above;

- b) it acknowledges and agrees that the Administrative Parties can rely on representations made by the Agent;
- c) it acknowledges and agrees that it is bound by the Agent’s acts and omissions;
- d) it is responsible for every act, breach, omission, neglect and failure of the Agent (in relation to the Applicant) and must itself comply and must procure compliance by the Agent, with the relevant provisions of the Rules;
- e) it will take such actions and provide such information as is reasonably necessary to enable the Agent for which it is responsible to discharge its functions in accordance with the relevant provisions of the Rules;
- f) only one Agent is appointed by an Applicant with respect to a CMU at any one time; and
- g) such Agent (or any member within the Agent’s Group) is not also the Agent for any other Applicant (unless the other Applicant is a member of the same Group as the Applicant).

4) Termination of appointment of Agent

Date of which termination is to be effective:	
-----------------------------------------------	--

Resignation of Agent:

Date from which resignation is to be effective:	
-------------------------------------------------	--

Authorised Signature of Applicant:	
Authorised Signature of Agent:	

EXHIBIT F: FORM OF AGGREGATOR DECLARATION

1. General Identification Information

Item	Guidance	Information
Name of Aggregator:	The Despatch Controller entity	
CMU ID:	This is the Relevant CMU for the purposes of the Declarations below	
Application year:	Calendar year of original Application submission	

2. Legal Ownership of Generating CMU – add a row for each Generating Unit

Note: If different legal owners are involved, both the Component ID and the description of the related Generating Unit should be included in the Component ID column

Component ID (as listed on the portal)	Name of legal owner	Legal owner company number (if applicable)	Legal owner registered address

3. Declarations

The following confirmations and declarations are made by the Despatch Controller with respect to the above the Relevant Generating CMU and in relation to the Relevant Application:

- (a) The Despatch Controller hereby confirms that:
 - (i) the Relevant Generating CMU comprises the above Generating Units and that legal ownership of each Generating Unit is vested in the Legal Owner(s) listed above; and

- (ii) the Despatch Controller has or, in the case of a Prospective Generating CMU, will have Despatch Control with respect to each Generating Unit comprised in the Relevant Generating CMU.

(b) The Despatch Controller hereby confirms that:

- (i) the Despatch Controller is the Applicant for the Relevant Generating CMU in relation to the Relevant Application;
- (ii) in the event that the Relevant Generating CMU becomes a Prequalified CMU for the Capacity Auction to which the Relevant Application relates, the Despatch Controller will be the Bidder for the Relevant Generating CMU in that Capacity Auction;
- (iii) in the event that the Relevant Generating CMU becomes a Capacity Committed CMU pursuant to the Capacity Auction to which the Relevant Application relates or following an agreement transfer, the Despatch Controller will be the Capacity Provider for the Relevant Generating CMU; and
- (iv) the total Connection Capacity of the Generating Units that make up the CMU does not exceed 50MW.

Note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

To be signed by two directors (or officers, in the case of a body other than a company) of the Despatch Controller.

Despatch Controller Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Note: No second signature is required for sole director companies, see Rule 1.3.A

Despatch Controller Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

EXHIBIT G: FORM OF LEGAL OWNER DECLARATION

Item	Guidance	Information
Legal Owner:	Name and address details of Legal Owner	
Legal Owner Company Number:		
Registered address of Legal Owner:		
Despatch Controller:	Name of the entity	
CMU ID:	The Relevant CMU	
Component ID:	The Relevant Generating Unit	
Application year:	Calendar year of original application submission	

The following confirmations and declarations are made by the Legal Owner as named above with respect to the above Generating Unit(s) and they confirm that:

(a) The Legal Owner hereby confirms that:

- (i)** the Legal Owner is the sole legal owner of the Relevant Generating Unit(s); and
- (ii)** the Despatch Controller has or, in the case of a Prospective CMU, will have Despatch Control with respect to the Relevant Generating Unit(s).

(b) the Legal Owner consents to the Despatch Controller submitting an Application in respect of a CMU, of which the Relevant Generating Unit(s) forms part.

Note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

To be signed by two directors (or officers, in the case of a body other than a company) of the person having legal ownership of the relevant Generating Unit(s).

Legal Owner Signature:	
Date (dd/mm/yyyy)	
Print Name	

Note: No second signature is required for sole director companies, see Rule 1.3.A

Legal Owner Signature:	
Date (dd/mm/yyyy)	
Print Name	

EXHIBIT H: FORM OF AGGREGATOR TRANSFER DECLARATION

Item	Guidance	Information
Previous Legal Owner:	Name and address details of Legal Owner	
New Legal Owner	Name and address details of Legal Owner	
Effective Date	Date of transfer	
Despatch Controller:	Name of the entity	
CMU ID:		

Aggregator Transfer Declaration

The following confirmations and declarations are made by the Despatch Controller with respect to the Relevant Generating CMU outlined above. The Despatch Controller hereby confirms that:

- (a)** legal ownership of the Relevant Generating Unit(s) has been transferred from the previous Legal Owner to New Legal Owner as of the effective date;
- (b)** legal ownership of each Generating Unit comprised in the Relevant Generating CMU is vested in the parties listed below; and
- (c)** the Despatch Controller has or, in the case of a Prospective CMU, will have Despatch Control with respect to each Generating Unit comprised in the Relevant Generating CMU.

Note: if different legal owners are involved, both the Component ID and the description of the related Generating Unit should be included in the Component ID column

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Note: No second signature is required for sole director companies, see Rule 1.3.A

Despatch Controller Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

EXHIBIT I: FORM OF LEGAL OWNER TRANSFER DECLARATION

Item	Guidance	Information
New Legal Owner:	Name and address details of Legal Owner (including Company number if applicable)	
	Address details	
	Companies house ID	
Despatch Controller:	Name of the entity	
CMU ID:		
Relevant Generating Unit:	Description of the Generating Unit, including at least the Component ID (as listed on the portal), if multiple GUs please list all that apply.	

The following confirmations and declarations are made by the Legal Owner with respect to the Relevant Generating Unit(s). The Legal Owner hereby confirms that:

- (a)** the Legal Owner is the sole legal owner of the Relevant Generating Unit(s); and
- (b)** the Despatch Controller has or, in the case of a Prospective CMU, will have Despatch Control with respect to the Relevant Generating Unit(s).

Please note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

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To be executed by each Relevant Party by the signature of two directors, unless Rule 1.3A (inserted by the Capacity Market (Amendment) Rules 2014) applies, or execution is on behalf of a company which is not a UK-registered company (in which case it is to be duly executed under the law of the place in which the company is incorporated).

Legal Owner Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

Note: No second signature is required for sole director companies, see Rule 1.3.A

Legal Owner Signature:	
Date: (dd/mm/yyyy)	
Print Name:	

EXHIBIT J: FORM OF FUNDING DECLARATION

Item	Guidance	Information
Capacity Provider	Name of the Capacity Provider	
CMU ID:	The Relevant CMU	

Please note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

The following declarations and confirmations are made by the Capacity Provider with respect to the Relevant CMU:

(a) in respect of the Relevant CMU

(i) Relevant Expenditure

No Relevant Expenditure has been, or is expected to be, incurred; or

Relevant Expenditure has been incurred, or is expected to be incurred,; or

This updated Funding Declaration is provided pursuant to Rule 8.3.8(a)(ii)

This updated Funding Declaration is provided pursuant to Rule 8.3.10

(ii) Relevant Benefit

No Relevant Benefit has been received, or is expected to be, received;

Relevant Benefit has been, or is expected to be, received;

This updated Funding Declaration is provided pursuant to Rule 8.3.8(a)(ii) or (b);

Where Relevant Expenditure has been, or is expected to be, incurred:

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	Guidance	Information
(iii)	the total amount of Relevant Expenditure that has been or is expected to be, incurred is:	
(iv)	the date(s) that the Relevant Investment was, or is expected to be, received	
(v)	either	
	the Relevant Investment is under the Enterprise Investment Scheme, or the Seed Enterprise Investment Scheme, and the name of the company that received the Relevant Investment as recorded in HM Revenue & Customs records in respect of that Relevant Investment is:	
	Note: If both apply, enter the aggregate value	
	or	
	the Relevant Investment is under the Venture Capital Trust and the name of the company that made the Relevant Investment is; and	
(vi)	the Capacity Provider agrees for the total Relevant Expenditure incurred with respect to the Relevant CMU to be set off against or recovered from any Capacity Payments payable to the Capacity Provider in respect of the Relevant CMU, and no payment shall be made to the Capacity Provider until such amount has been set off or recovered in its entirety.	<input type="checkbox"/>

Where Relevant Benefit has been, or is expected to be, received:

	Guidance	Information
(vii)	the total amount in pound sterling (£), including if granted in any form or currency other than pound sterling (£), of Relevant Benefit that has been or is expected to be received,) including where notice of the Relevant Benefit has been given:	
(viii)	the notice of Relevant Benefit was given on: <ul style="list-style-type: none"> - insert date(s) for all aid or subsidy granted where notice of the Relevant Benefit has been given but Relevant Benefit has not yet been granted 	

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	Guidance	Information
(ix)	<p>the Relevant Benefit was or is expected to be received:</p> <ul style="list-style-type: none"> - insert date/s for all aid or subsidy granted/subsidy to be granted 	
(x)	<p>the Relevant Benefit is granted under the following scheme(s) or measure(s)</p> <ul style="list-style-type: none"> - insert a numbered list containing a description of each scheme or measure under which the Relevant Benefit is granted 	1.
		2.
		3.
(xi)	<p>the name of the company/companies that received the Relevant Benefit, under the scheme(s) or measure(s) described at the provided number in the list in (a)(x) as recorded in HM Revenue & Customs records in respect of that Relevant Benefit and/or the Person(s) other than a company/companies who received the Relevant Benefit under the scheme(s) or measure(s) described in the list in (a)(x) is; and</p> <ul style="list-style-type: none"> - Insert number of the relevant scheme or measure from the above list - Insert the name of the company and/or person who received the relevant benefit 	
(xii)	<p>the Capacity Provider agrees for the total Relevant Benefit received with respect to the Relevant CMU to be set off against or recovered from any Capacity Payments payable to the Capacity Provider in respect of the Relevant CMU, so that no payment shall be made to the Capacity Provider until such amount has been set off or recovered in its entirety.</p>	<input type="checkbox"/>

(b) The Capacity Provider hereby confirms that:

- (i) where Rule 8.3.8(a)(i) applies, the Capacity Provider will provide the Delivery Body with an updated Funding Declaration in respect of Relevant Expenditure incurred or due to be incurred, as required in accordance with that Rule;
- (ii) where Rule 8.3.8(a)(ii) or Rule 8.3.8(b) apply, the Capacity Provider will provide the Delivery Body with an updated Funding Declaration and additional updated Funding Declaration, as required in accordance with those Rules;

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(iii) the Capacity Provider consents, and has obtained the written consent of all other relevant persons, to the Authority and HM Revenue & Customs exchanging relevant information in relation to any Relevant Expenditure, Relevant Investment or Relevant Benefit for the sole purpose of the Authority exercising its functions under the Rules and the Regulations in connection with the Relevant Expenditure, or Relevant Benefit; and

(iv) in all respects, this Funding Declaration and each of the specific declarations referred to in paragraph (a) are true and correct and that this Funding Declaration has been authorised by the board of directors of the Capacity Provider.

Signature of the Director	
Date (dd/mm/yyyy)	
Print Name	

Note: No second signature is required for sole director companies, see Rule 1.3.A

Signature of the Director	
Date (dd/mm/yyyy)	
Print Name	

EXHIBIT ZA: FORM OF FOSSIL FUEL EMISSIONS DECLARATIONS

Item	Guidance	Information from Directors
Name of Relevant Party Applicant:	Applicant or Capacity Provider entity	
Company registration number (or equivalent if Company Registration Number is not applicable):	For GB Companies and LLPs this can be found on Companies House. For overseas entities, please provide the unique identifier issued by your country's company registry or equivalent authority. Individuals should leave this blank	
Company Address:	Address of Registered Office	
CMU ID:	The Relevant CMU	
CMU Name:		

Contents of this declaration:

- **Part 1:** The Relevant CMU
- **Part 2:** Declaration in respect of relevant Fossil Fuel Components
- **Part 3:** Declarations of Fossil Fuel Emissions (and where relevant, Fossil Fuel Yearly Emissions) in respect of relevant Fossil Fuel Components with an Installed Capacity equal to or greater than 1MW
- **Part 4:** Declarations in respect of Formulae applied to determine Fossil Fuel Emissions
- **Part 5:** Declarations in respect of relevant Fossil Fuel Components with an Installed Capacity below 1MW
- **Part 6:** Omitted.
- **Part 7:** Declaration in respect of Emissions Related Material Changes
- **Part 8:** Director signatures
- **Part 9:** Independent Emissions Verifier certification
- **Annex A:** Assurance work conducted by an Independent Emissions Verifier

Note: Capitalised terms in this declaration have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

The following confirmations and declarations are made by Director(s) of the Relevant Party and

where required, this declaration is signed by an authorised signatory on behalf of the Independent Emissions Verifier, and

with respect to the Relevant CMU and

each Fossil Fuel Component, or Associated Fossil Fuel Component by which a Storage Facility comprising the Relevant CMU has part or all of its electricity requirements met, each a **relevant Fossil Fuel Component** comprising the Relevant CMU,

and in respect of the Delivery Year in respect of which a Capacity Obligation awarded to the Relevant CMU applies.

Part 1: The Relevant CMU

The Relevant Party hereby confirms that the Relevant CMU is. Select 1 only:

CMU Type:	Guidance:	Information:
A New Build CMU		<input type="checkbox"/>
A Refurbishing CMU	Where this declaration is provided in respect of both the Pre-Refurbishment CMU and the Relevant CMU once improvement works have been completed	<input type="checkbox"/>
An Existing Generating CMU	Including where this declaration is provided in respect of the Pre-Refurbishment CMU in relation to a Refurbishing CMU	<input type="checkbox"/>
A DSR CMU		<input type="checkbox"/>

Note: failure to complete part 1 will result in the Exhibit being rejected

Part 2: Declaration in respect of whether the relevant CMU includes any Fossil Fuel Components with an Installed Capacity equal to or greater than 1MW

The Relevant Party hereby declares that it meets criteria (a) or (b):

	Declaration	Instruction	Information
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(a)	the Relevant CMU comprises of at least one relevant Fossil Fuel Component, but none that have an Installed Capacity of equal to or greater than 1MW	If (a) applies, you must complete Part 5, Part 7 and Part 8.	<input type="checkbox"/>
(b)	the Relevant CMU comprises of at least one relevant Fossil Fuel Component which has an Installed Capacity of equal to or greater than 1MW	If (b) applies, you must complete Part 3, Part 4, Part 5, Part 6, Part 7 and Part 8, and arrange for an Independent Emissions Verifier to complete Part 9	<input type="checkbox"/>

Part 3: Declarations of Fossil Fuel Emissions (and, where relevant, Fossil Fuel Yearly Emissions) in respect of relevant Fossil Fuel Components with an Installed Capacity equal to or greater than 1MW

Please note: an additional row must be added for each additional relevant Fossil Fuel Component. Each component should be entered only once to ensure consistency with the application data and must match those supplied to the Delivery Body.

Fossil Fuel Component descriptor	Commercial Production Start Date	Generating Unit Fuel Type/s	Fossil Fuel Emissions (in gCO₂ per kWh)	Fossil Fuel Yearly Emissions (in kg CO₂ per kWh)
<i>Brief descriptor or reference</i>	<i>Select relevant date</i>	<i>List each Generating Unit Fuel Type. Generating Unit Fuel Type/s only specified in the first column of the table of Schedule 9 of CM Rules</i>	<i>Declare the Fossil Fuel Emissions of each relevant Fossil Fuel Component which has an Installed Capacity of equal to or greater than 1MW</i>	<i>Only where applicable. i.e. in respect of a Delivery Year which commences in 2024 or a subsequent Delivery Year, in relation to a relevant Fossil Fuel Component with a Commercial Production Start Date before 4 July 2019, and where the Fossil Fuel Emissions of the Relevant Fossil Fuel Component exceed the Fossil Fuel Emissions Limit (see Rule 3.15.1(b))</i>
	Before 4 July 2019 <input type="checkbox"/>			

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	On or after 4 July 2019 <input type="checkbox"/>			
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Part 4: Declarations in respect of formulae applied to determine Fossil Fuel Emissions

Please note: an additional row must be added for each additional relevant Fossil Fuel Component. Each component should be entered only once to ensure consistency with the application data.

Fossil Fuel Component descriptor	Formula applied to determine Fossil Fuel Emissions	Formula applied to determine Design Efficiency
<i>Same descriptor or reference used in Part 3</i>	<i>Select one option</i>	<i>Select one option</i>
	Fossil Fuel Emissions Formula <input type="checkbox"/>	Design Efficiency Formula <input type="checkbox"/>
	Fossil Fuel Emissions CCUS Formula <input type="checkbox"/>	Design Efficiency Steam Formula <input type="checkbox"/>
	Fossil Fuel Mixed Fuels Formula <input type="checkbox"/>	Design Efficiency CHPQA Formula <input type="checkbox"/>
	Fossil Fuel Composite Formula <input type="checkbox"/>	

Part 5: Declarations in respect of relevant Fossil Fuel Components with an Installed Capacity below 1MW

Note: complete the relevant section below based on which option you selected in Part 2:

- If (a) was selected, only relevant Fossil Fuel Components less than 1MW, then only option (c) in Part 5 applies;
- If (b) was selected, at least one relevant Fossil Fuel Component 1MW or more, then
 - (c) in Part 5 can apply if any relevant Fossil Fuel Components are less than 1MW, or
 - (d) in Part 5 can apply if no relevant Fossil Fuel Components are less than 1MW.

Therefore;

Part 5 (c) can apply to both Part 2 (a) or (b)

Part 5 (d) can only apply to Part 2 (b) where there are no relevant Fossil Fuel Components under 1MW.

The Relevant Party hereby confirms that:

(a) omitted:

(b) omitted:

(c) The Relevant Delivery Year is the Delivery Year that commences in 2024 or a subsequent Delivery Year	(d) The Relevant Delivery Year is the Delivery Year that commences in 2024 or a subsequent Delivery Year
(i) the Relevant CMU comprises of at least one relevant Fossil Fuel Component which has an Installed Capacity of less than 1MW and each of those relevant Fossil Fuel Components does not exceed the Fossil Fuel Emissions Limit (other than a relevant Fossil Fuel Component which has a Commercial Production Start Date before 4 July 2019 which exceeds the Fossil Fuel Emission Limit, but does not exceed the Fossil Fuel Yearly Limit);	(i) the Relevant CMU does not comprise of any relevant Fossil Fuel Component which has an Installed Capacity of less than 1MW;
(ii) in the event that the Relevant CMU will, after making this declaration, comprise of any additional relevant Fossil Fuel Component with a	(ii) in the event that the Relevant CMU will, after making this Declaration, comprise of at least one relevant Fossil Fuel Component with a

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<p>Commercial Production Start Date on or after 4 July 2019 and which has an Installed Capacity of less than 1MW, such additional relevant Fossil Fuel Components will not exceed the Fossil Fuel Emissions Limit; and</p>	<p>Commercial Production Start Date on or after 4 July 2019 and which has an Installed Capacity of less than 1MW, such relevant Fossil Fuel Component will not exceed the Fossil Fuel Emissions Limit; and</p>
<p>(iii) in the event that the Relevant CMU will, after making this declaration, comprise of any additional relevant Fossil Fuel Component with a Commercial Production Start Date which is before 4 July 2019 and which has an Installed Capacity of less than 1MW, each such additional relevant Fossil Fuel Component will not exceed Fossil Fuel Emissions Limit (other than where it exceeds the Fossil Fuel Emission Limit, it will not exceed the Fossil Fuel Yearly Emissions Limit);</p>	<p>(iii) in the event that the Relevant CMU will, after making this Declaration, comprise of at least one relevant Fossil Fuel Component with a Commercial Production Start Date which is before 4 July 2019 and which has an Installed Capacity of less than 1MW, each relevant Fossil Fuel Component will not exceed both the Fossil Fuel Emissions Limit (except that, where it exceeds the Fossil Fuel Emissions Limit, it will not exceed the Fossil Fuel Yearly Emissions Limit).</p>
<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>

Part 6: Omitted

Omitted.

Part 7: Declaration in respect of Emissions Related Material Changes

The Relevant Party hereby confirms that an updated Fossil Fuel Emissions Declaration will be provided if there is an Emissions Related Material Change to the Relevant CMU and/or to a relevant Fossil Fuel Component and:

(a) where the Relevant Delivery Year is the Delivery Year that commences in 2022 or a subsequent Delivery Year, the Relevant CMU and/or each relevant Fossil Fuel Component will not exceed the Fossil Fuel Emissions Limit; and/or

(b) where the Relevant Delivery Year is the Delivery Year that commences in 2024 or a subsequent Delivery Year, the Relevant CMU and/or each relevant Fossil Fuel Component will not exceed the Fossil Fuel Emissions Limit, and where any relevant Fossil Fuel Component which has a Commercial Production Start Date which is

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before 4 July 2019 exceeds the Fossil Fuel Emission Limit, it will not exceed the Fossil Fuel Yearly Limit.

Part 8: Director Signatures

To be executed by the Relevant Party by the signature of two directors, unless Rule 1.3A (inserted by the Capacity Market (Amendment) Rules 2014) applies, or execution is on behalf of a company which is not a UK-registered company (in which case it is to be duly executed under the law of the place in which the company is incorporated).

<u>Signature of the Director</u>	
Date (dd/mm/yyyy)	
Print Name	

Please note: No second signature is required for sole director companies, see Rule 1.3.A

<u>Signature of the Director</u>	
Date (dd/mm/yyyy)	
Print Name	

Part 9: Independent Emissions Verifier certification of declaration(s) made in Part 3 and Part 4:

Please note: This template should not be amended or expanded with additional data. You must arrange for an Independent Emissions Verifier to complete this Part if Part 2(b) applies.

1) Independent Emissions Verifier to confirm either (a) or (b)

<p>(a) We have conducted a verification of the information provided in the tables in Part 3 and Part 4 and the data provided in support of that information and, on the basis of the Assurance Work described in Annex A to this Declaration, we confirm with reasonable assurance that the declarations in Part 3 are true and correct in all material aspects</p>	<p>(b) We have conducted a verification of the information provided in the tables in Part 3 and Part 4 and the data provided in support of that information and, on the basis of the Assurance Work described in Annex A to this Declaration, we confirm with reasonable assurance that the declarations in Part 3 are true and correct, with the exception of the technical specification(s) / performance test(s) of combustion units made available by the operator and attached to this declaration. These documents have been accepted as representative of current operations in the absence of alternative data sources. The risk of mis-statement of data in Part 3 due to the age, degradation or non-optimum condition of the combustion units in operation has not been taken into account in the verification process.</p>
<input type="checkbox"/>	<input type="checkbox"/>

2) Independent Emissions Verifier to complete all of the following

We have applied the following standard/s when conducting the verification of the information provided in the tables in Part 3 and Part 4 and the data provided in support of that information:

ISO 14065:2020. Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms of recognition

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Item	Guidance	Information
Description of International Organisation for Standardisation (ISO) or European Standards (EN) Applied	Including Title and Year	

Signature	
Date (dd/mm/yyyy):	
Signatory Print Name:	
Position:	
Company name of Independent Emissions Verifier:	
Name of Independent Emissions Verifier:	
Accreditation body:	
Accreditation number of Independent Emissions Verifier:	

Annex A: Assurance Work Conducted by the Independent Emissions Verifier

Responsibilities: The Relevant Party is responsible for the preparation and reporting of data in this Fossil Fuel Emissions Declaration (“Declaration”) and for its submission to the Delivery Body in accordance with the Rules. The Independent Emissions Verifier is responsible (in accordance with its contract with the Relevant Party and its accreditation obligations) for carrying out verification of the Declaration and data submitted with the Declaration.

Assurance Work Conducted: The Independent Emissions Verifier has conducted its examination having regard to the criteria used for verification outlined below. This involved examining, based on the verifier’s own assessment of risk, evidence provided by the Relevant Party, to assess whether the verifier is able to give reasonable

assurance that the declaration(s) in **Part 3** and **Part 4** of this Declaration are true and correct in all material respects.

Criteria used for verification: The Capacity Market Rules, the Electricity Capacity Regulations 2014 (SI 2014/ 2043); relevant ISO and/or EN standards.

EXHIBIT ZB: FORM OF FOSSIL FUEL EMISSIONS COMMITMENT

Item	Guidance	Information from Directors
Name of Relevant Party Applicant:	Applicant or Capacity Provider entity	
Company registration number (or equivalent if Company Registration Number is not applicable):	For GB Companies and LLPs this can be found on Companies House. For overseas entities, please provide the unique identifier issued by your country's company registry or equivalent authority. Individuals should leave this blank	
Company Address:	Address of Registered Office	
CMU ID:	The Relevant CMU	
CMU Name:		
Application year:	Calendar year of original application submission	

The following confirmations and declarations are made by the director(s) of the Applicant with respect to:

the Relevant CMU, and with respect to each Fossil Fuel Component or Associated Fossil Fuel Component by which a Storage Facility has part or all of its electricity requirements met, (each a “relevant Fossil Fuel Component”) which comprises or may comprise the Relevant CMU; and

any Delivery Year in respect of which a Capacity Obligation awarded in the Relevant Capacity Auction to the Relevant CMU may apply (a “Relevant Delivery Year”);

Contents of this declaration:

- **Part 1:** The Relevant CMU
- **Part 2:** Declaration in respect of the Relevant CMU which is New Build, Refurbishing or Unproven DSR
- **Part 3:** Declaration in respect of Emissions Related Material Changes
- **Part 4:** Director signatures

Please note: Capitalised terms used herein have the meaning given in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

Part 1: The Relevant CMU

You must complete this Part in respect of the Relevant CMU, by selecting either (a), (b), or (c)

The Applicant hereby confirms that the Relevant CMU is:

CMU Type:	Guidance:	Select 1 only:
(a) A New Build CMU		<input type="checkbox"/>
(b) A Refurbishing CMU	Where this declaration is provided in respect of both the Pre-Refurbishment CMU and the Relevant CMU once improvement works have been completed	<input type="checkbox"/>
(c) An Unproven DSR CMU		<input type="checkbox"/>

Part 2: Declarations in respect of the Relevant CMU

The Applicant hereby declares that:

- (a) the Relevant CMU will not comprise of any relevant Fossil Fuel Component;
- (b) the Relevant CMU will or may comprise of at least one relevant Fossil Fuel Component;
- (c) The Relevant CMU comprises of at least one relevant Fossil Fuel Component:
 - i. the Applicant will make a Fossil Fuel Emissions Declaration in accordance with the relevant deadline (in Rule 8.3.11(b)(i) in respect of a New Build CMU, Rule 8.3.11(b)(ii) in respect of a Refurbishing CMU (including where a Capacity Agreement is awarded to the Pre-Refurbishment CMU) and Rule 8.3.11(b)(iii) in respect of an Unproven DSR CMU);
 - ii. where the Relevant Delivery Year is the Delivery Year that commences in 2022 or a subsequent Delivery Year and the Relevant CMU comprises of at least one relevant Fossil Fuel Component with a Commercial Production

- Start date on or after 4 July 2019, the Fossil Fuel Emissions of that relevant Fossil Fuel Component will not exceed the Fossil Fuel Emissions Limit; and
- iii. where the Relevant Delivery Year is the Delivery Year that commences in 2024 or is a subsequent Delivery Year and the Relevant CMU comprises of at least one relevant Fossil Fuel Component with a Commercial Production Start Date which is before 4 July 2019, where the Fossil Fuel Emissions of that relevant Fossil Fuel Component exceed the Fossil Fuel Emission Limit, it will not exceed the Fossil Fuel Yearly Limit.

The Applicant further declares that:

- Select all that apply
- (d) the Applicant intends to apply the Fossil Fuel Emissions CCUS Formula to determine the Fossil Fuel Emissions of at least one relevant Fossil Fuel Components
- (e) the Applicant intends to apply the Fossil Fuel Emissions Mixed Fuel Formula to determine the Fossil Fuel Emissions of at least one relevant Fossil Fuel Components
- (f) the Applicant intends to apply the Fossil Fuel Emissions Composite Fuel Formula to determine the Fossil Fuel Emissions of at least one relevant Fossil Fuel Components
- (g) the Applicant intends to apply the Design Efficiency CHPQA Formula to determine the Design Efficiency of at least one relevant Fossil Fuel Components

Part 3: Declaration in respect of Emissions Related Material Changes

An Updating Fossil Fuel Emissions Declaration will be provided to the Delivery Body if, following making a Fossil Fuel Emissions Declaration in respect of the Relevant CMU, there is an Emissions Related Material Change to the Relevant CMU or to a Fossil Fuel Component comprised in the Relevant CMU.

Part 4: Director Signatures

To be executed by Applicant by the signature of two directors, unless Rule 1.3A (inserted by the Capacity Market (Amendment) Rules 2014) applies, or execution is on behalf of a company which is not a UK-registered company (in which case it is to be duly executed under the law of the place in which the company is incorporated).

<u>Signature of the Director</u>	
Date (dd/mm/yyyy)	
Print Name	

Note: No second signature is required for sole director companies, see Rule 1.3.A

<u>Signature of the Director</u>	
Date (dd/mm/yyyy)	
Print Name	

EXHIBIT ZC: FORM OF FOSSIL FUEL REMOVAL DECLARATION

Note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated.

Item	Guidance	Information from Directors
Name of Relevant Party Applicant:	Applicant or Capacity Provider Entity	
Company registration number (or equivalent if Company Registration Number is not applicable):	For GB Companies and LLPs this can be found on Companies House. For overseas entities, please provide the unique identifier issued by your country's company registry or equivalent authority. Individuals should leave this blank	
Company Address:	Address of Registered Office	
CMU ID:	The Relevant CMU	
CMU Name:		

The following confirmations and declarations are made by the director(s) of the Relevant Party with respect to the Relevant CMU:

The Relevant Party hereby declares that the Relevant CMU no longer comprises of any Fossil Fuel Component or any Storage Facility which has part or all of its electricity requirements met by an Associated Fossil Fuel Component.

To be executed by the Relevant Party by the signature of two directors, unless Rule 1.3A (inserted by the Capacity Market (Amendment) Rules 2014) applies, or execution is on behalf of a company which is not a UK-registered company (in which case it is to be duly executed under the law of the place in which the company is incorporated).

<u>Signature of the Director</u>	
Date (dd/mm/yyyy)	

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Print Name	
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Note: No second signature is required for sole director companies, see Rule 1.3.A

<u>Signature of the Director</u>	
Date (dd/mm/yyyy)	
Print Name	

EXHIBIT ZD: FORM OF LOW CARBON DECLARATION

Item	Guidance	Information from Directors
Name of Relevant Party:	Applicant or Capacity Provider entity.	
Address of registered office:		
Company registration number (or equivalent if Company Registration Number is not applicable):	<p>For GB Companies and LLPs this can be found on Companies House.</p> <p>For overseas entities, please provide the unique identifier issued by your country's company registry or equivalent authority.</p> <p>Individuals should leave this blank.</p>	
Application year:	Calendar year of original application submission	
CMU ID:	The Relevant CMU	
The Relevant Delivery Year 20(XX/XX) :	If providing this Declaration with an Application, insert first Delivery Year of the Capacity Agreement that you hope the Relevant CMU will be awarded	

Note: Capitalised terms in this certificate have the meaning given to them in the Capacity Market Rules 2014 (as amended) unless otherwise indicated

The Relevant Party, declare and confirm the matters set out below with reference to the Relevant CMU and the Application that is being made in respect of the Relevant Application.

Part 1: The Relevant CMU

The Relevant CMU is or will be (Please choose one option):

- (a) a New Build Generating CMU;
- (b) a Refurbishing Generating CMU;
- (c) an Unproven DSR CMU.
- (d) an Existing Generating CMU; or
- (e) a Proven DSR CMU.

Part 2: Low Carbon Period

This Declaration relates to:

Please select one option. Select (b) if you are making the Declaration in respect of an Existing Generating CMU or Proven DSR CMU. If (b) is retained, complete it as appropriate.

- (a) the period beginning with the date on which this Declaration is made;
- (b) the period beginning with the start of the Relevant Delivery Year;

and continuing for as long as the Relevant CMU continues to operate, or, if sooner, until this Declaration is revoked in accordance with the Rules (the "Low Carbon Period").

Part 3: Low Emissions Statement

Note: (1.) below applies if the Relevant CMU is expected to comprise any Storage Facility that has part or all of its electricity requirements met by an Associated Fossil Fuel Component.

1. The Relevant CMU (Select one option):

- (a) is and will be a Low Emissions CMU (in respect of an Existing Generating CMU or Proven DSR CMU) – that is, during the Low Carbon Period, it will comprise of:

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- (i) Fossil Fuel Components, and any such components have or will have Fossil Fuel Emissions that do not exceed the Low Carbon Limit; and
- (ii) no Other Emitting Component; or

(b) will be a Low Emissions CMU (in respect of a New Build CMU, Refurbishing CMU or Unproven DSR CMU) - that is, during the Low Carbon Period, it will comprise of:

- (i) Fossil Fuel Components, and any such components will have Fossil Fuel Emissions that do not exceed the Low Carbon Limit; and
- (ii) no Other Emitting Component; or

(c) does not and will not comprise of an Emissions Component:

2. The statement in paragraph 1

(a) is supported by a (select 1)

Fossil Fuel Emissions Declaration

Fossil Fuel Emissions Commitment

provided to the Delivery Body with this Declaration in compliance with the Rules.

(b) will be supported by a Fossil Fuel Emissions Declaration provided to the Delivery Body in accordance with the relevant deadline in the Rules

Note: Select (b) if you are providing this Declaration with an Application and have retained paragraph 1(a) or (b) (the Relevant CMU is or will be a Low Emissions CMU)

and you will make a Fossil Fuel Emissions Declaration by a deadline in accordance with Rules 3.18, 8.3.12(b), 8.3.12A(b) or 8.3.13(c) (in respect of an Existing Generating CMU or Proven DSR CMU)

or Rule 8.3.11(a) (in respect of a Prospective Generating CMU or Unproven DSR CMU).

3. We:

(a) have no reason to suspect that the statement in paragraph 1 may be untrue or inaccurate.

(b) where one has been provided, have no reason to suspect that any Fossil Fuel Emissions Declaration or Fossil Fuel Emissions Commitment that has been provided with this Declaration may be untrue or inaccurate.

Part 4: Confirmation by the Applicant’s Directors

We confirm that:

(a) We have read and understood Rules 3.10ZA and 3.10ZB (and the meanings of the defined terms used in them and those that are set out in Rule 1.2.1), as well as Rules relating to the Relevant CMU:

(b) We understand that if the Delivery Body gives a Low Emissions Determination in respect of the Relevant CMU, any Capacity Agreement of which the Relevant CMU is the subject may face the consequences specified in the Rules.

Signature of Director	
Date (dd/mm/yyyy)	
Print Name	

Note: No second signature is required for sole director companies, see Rule 1.3.A

Signature of Director	
Date (dd/mm/yyyy)	
Print Name	

Annex 3 – Submitting Capacity Market change proposals to CMAG

To raise a change, you can complete the Capacity Market rule change proposal form²³ and submit it to CMAG@Elexon.co.uk. The CMAG Secretariat will provide all proposers with ‘critical friend’ support to ensure there is appropriate level of detail in the change proposal to ensure productive CMAG prioritisation and development. Alongside the CMAG Secretariat’s ‘critical friend’ work, Capacity Market Delivery Partners and Ofgem will complete their own assessment of the proposal form.

Proposers will be invited to attend a CMAG meeting to present their Capacity Market rule change proposal form to CMAG. CMAG will prioritise the change in line with other active changes, and it will be added to the CMAG forward work plan. CMAG will assess the issue and solution presented, confirming any impacts to both participants and consumers. Proposers will be invited to attend all CMAG meetings where their proposal is being discussed. CMAG will answer a list of standard change proposal questions during the development stage and confirm if any specific questions are required for the proposal. Proposers will be requested to share their responses to the standard and specific questions relating to their change proposal.

The CMAG Secretariat will work with the Delivery Partners to complete an impact assessment of all Capacity Market rule change proposals. This impact assessment will consider: the technical feasibility of the solution, implementation, ongoing costs for implementation, expected impacts to Delivery Partners and expected timescales for implementation.

CMAG will look to make a recommendation to us to approve or reject for each Capacity Market rule change proposal it receives. The recommendation will be noted within the Capacity Market rule change proposal report, which CMAG produces to accompany each of the Capacity Market rule change proposals it submits to us.

All Capacity Market rule change proposals will be consulted on by us via a statutory consultation, giving interested stakeholders the opportunity to share

²³ [CM-Change-Proposal-Template-2023.docx](#)

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their feedback on the proposals, including where appropriate on the proposed drafting of the legal text.