

**To: National Grid Electricity Transmission**

**Electricity Act 1989  
Section 11A(2)**

**Notice of statutory consultation on a proposal to modify the special conditions of the electricity transmission licence held by National Grid Electricity Transmission**

1. The Gas and Electricity Markets Authority (the 'Authority')<sup>1</sup> proposes to modify the special conditions of the electricity transmission licence (the 'licence') held by National Grid Electricity Transmission ('NGET') granted or treated as granted under section 6(1)(b) of the Act by amending Special Condition 6I (Specification of Baseline Wider Works Outputs and Strategic Wider Works Outputs and Assessment of Allowed Expenditure) in the manner set out in Schedule 1 to this Notice.
2. We are proposing this modification for the reasons set out in the letter which accompanies this Notice. In summary, the purpose of this licence modification is to implement our decision of 22 May 2020 (the 'May decision').<sup>2</sup>
3. The Authority set out its reasons for its decision on the Strategic Wider Works ('SWW') output for the Hinkley-Seabank project, the increase in NGET's allowed expenditure and the modifications in relation to COAEs in its decision dated 22 May 2020.
4. The effect of the proposed modifications is set out in the letter which accompanies this Notice. The effect of this licence modification is to:
  - a. increase the allowed expenditure for NGET by £514.7 million (in 2009/10 prices) for the delivery of the Hinkley-Seabank project;
  - b. require NGET to deliver the Hinkley-Seabank project output in line with the technical deliverables and delivery date outlined within the proposed updated licence;
  - c. activate the COAE mechanism in Special Condition 6I of NGET's licence for the Hinkley-Seabank project; and
  - d. amend the COAE mechanism as it applies to the Hinkley-Seabank project.
5. A copy of the proposed modification and other documents referred to in this Notice have been published on our website ([www.ofgem.gov.uk](http://www.ofgem.gov.uk)). Alternatively, they are available from [foi@ofgem.gov.uk](mailto:foi@ofgem.gov.uk).
6. Any representations with respect to the proposed licence modification must be made on or before 28 September 2020 to: [NTIMailbox@ofgem.gov.uk](mailto:NTIMailbox@ofgem.gov.uk), or, if you are unable to email your response, please post your response to New Transmission Investment, Office of Gas and Electricity Markets, 10 South Colonnade, Canary Wharf, London, E14 4PU.
7. We normally publish all responses on our website. However, if you do not wish your response to be made public then please clearly mark it as not for publication. We prefer to receive responses in an electronic form so they can be placed easily on our website.

---

<sup>1</sup> The terms "the Authority", "we" and "us" are used interchangeably in this document.

<sup>2</sup> [Decision on our project assessment for the Hinkley-Seabank electricity transmission project](#)

8. If we decide to make the proposed modification, it will take effect not less than 56 days after the decision is published.

.....  
**James Norman**  
**Head of New Transmission Investment**  
**Duly authorised on behalf of the**  
**Gas and Electricity Markets Authority**

**28 August 2020**

**Schedule 1 – Proposed modifications to the special conditions of the electricity transmission licence held by National Grid Electricity Transmission**

**[Note: Text shown in double underline are proposed additions and text shown in strikethrough are proposed deletions]**

# **Special Condition 6I. Specification of Baseline Wider Works Outputs and Strategic Wider Works Outputs and Assessment of Allowed Expenditure**

## **Introduction**

6I.1 The purposes of this condition are:

- (a) to specify the Baseline Wider Works Outputs and Strategic Wider Works Outputs that the licensee must Deliver during the Price Control Period and the Allowed Expenditure associated with those outputs; and
- (b) to determine and direct any appropriate revisions to PCFM Variable Values relating to adjustments to Wider Works Allowed Expenditure (WWE values) and the Relevant Years to which those revised WWE values relate for use in the Annual Iteration Process for the ET1 Price Control Financial Model as described in Special Condition 5B (Annual Iteration Process for the ET1 Price Control Financial Model).

6I.2 The WWE value relating to a particular Relevant Year, is the amount of Allowed Expenditure (in 2009/10 prices) for all Strategic Wider Works Outputs and for the Baseline Wider Works Output associated with the Western High Voltage Direct Current (WHVDC) link (“WHVDC Output”), for that Relevant Year as determined in accordance with this condition.

6I.3 The application of the mechanisms set out in this condition provides for:

- (a) the specification of Baseline Wider Works Outputs;
- (b) the approval and specification of Strategic Wider Works Outputs;
- (c) the amendment of Baseline Wider Works Outputs and Strategic Wider Works Outputs in the context of an Output Amendment for changes in system background as set out in Part D of this condition;
- (d) the approval of changes to Allowed Expenditure in respect of Strategic Wider Works Outputs and for the WHVDC Output for particular Relevant Years in the context of a Cost and Output Adjusting Event, as specified in Part B of this condition;
- (e) the determination and direction of revised WWE values to reflect changes to Allowed Expenditure so that, as a consequence of the Annual Iteration Process, the value of the term MOD as calculated for Relevant Year t for the purposes of Part C of Special Condition 3A (Restriction of Transmission Network Revenue) will result in an adjustment of the licensee’s Base Transmission Revenue in a manner that:
  - (i) reflects approved changes to Allowed Expenditure for Strategic Wider Works Outputs and for the WHVDC Output specified in this condition, and
  - (ii) takes account of approved changes to Allowed Expenditure for Strategic Wider Works Outputs and for the WHVDC Output specified

in this condition for the purposes of the Totex Incentive Mechanism Adjustment as set out in Part B of Special Condition 6C (Determination of PCFM Variable Values for Totex Incentive Mechanism Adjustments – Transmission Owner) and in accordance with the methodology set out in Chapter 6 of the ET1 Price Control Financial Handbook.

6I.4 This condition should be read and construed in conjunction with Special Condition 5B, and Special Condition 5A (Governance of ET1 Price Control Financial Instruments).

### **Part A: Specification of Baseline Wider Works and Strategic Wider Works Outputs**

6I.5 Table 1 of this condition sets out details of the Baseline Wider Works Outputs that the licensee is required to Deliver during the Price Control Period and Allowed Expenditure for Delivering those outputs that have been determined at the outset of the Price Control Period.

6I.6 The Allowed Expenditure set out in Table 1 of this condition have been reflected in:

- (a) the licensee's Opening Base Revenue Allowance, set against the licensee's name in Appendix 1 to Special Condition 3A;
- (b) IWW values (defined in Special Condition 6J (Allowed Expenditure for Incremental Wider Works Outputs) contained in the PCFM Variable Values Table for the licensee contained in the ET1 Price Control Financial Model as at 1 April 2013 (the Allowed Expenditure for Baseline Wider Works Outputs 1 to 3 in Table 1 of this condition have been reflected in IWW values); and
- (c) WWE values contained in the PCFM Variable Values Table for the licensee contained in the ET1 Price Control Financial Model as at 1 April 2013 (the Allowed Expenditure for the WHVDC Output specified in Table 1 of this condition have been reflected in WWE values).

6I.7 Table 2 of this condition provides supplementary information on the funding arrangements for the WHVDC Output which the licensee is developing jointly with SP Transmission Ltd. Table 2 of this condition sets out the total Allowed Expenditure determined by the Authority for the project as a whole and for the licensee, including efficient costs determined for the Relevant Years commencing 1 April 2011 and 1 April 2012 as reflected in Special Condition 6B (Supplementary provisions in relation to transmission asset owner incentives scheme activity in the legacy period). It also sets out the costs allocation ratio to apply to the share of expenditure that is made by the licensee as set out in Ofgem's 27 July 2012 decision letter on WHVDC funding arrangements ("WHVDC Decision Letter").



Output description	Allowed Expenditure								
	£m (2009/10 prices)								
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Total for Price Control Period
Boundary: B7a Starting transfer capacity: 4,900MW Additional transfer capacity: 400MW Delivered transfer capability: 5,300MW <b>Delivery required 2014/15</b>									
<b>4. Western HVDC Output</b> Boundary: B6 Starting transfer capacity: 2,200MW Additional transfer capacity: 2,250MW (2,400MW short term rating) Delivered transfer capability: 6,550MW (6,700 short-term rating) B7: 2,200 / 2,250 (2,400) / 5,650 (5,800) B7a: 4,900 / 2,250 (2,400) / 7,550 (7,700) <b>Delivery required 2016/17</b>	161.700	230.400	208.900	20.100	0.0	0.0	0.0	0.0	621.100

**Table 2: Supplementary information in respect of the WHVDC Link**

Allowed Expenditure for WHVDC Link £m (2009/10 prices)	Cost allocation ratio	Prior to Price Control Period		Price Control Period								Total
		2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	
<b>NGET</b>	68.5%	15.5	83.0	161.7	230.4	208.9	20.1	0.0	0.0	0.0	0.0	719.7
<b>PROJECT TOTAL</b>		<b>22.7</b>	<b>121.2</b>	<b>236.0</b>	<b>336.4</b>	<b>305.0</b>	<b>29.4</b>	0.0	0.0	0.0	0.0	<b>1050.7</b>

- 6I.8 During the Price Control Period the licensee can request that the Authority approve Allowed Expenditure for Strategic Wider Works Outputs. These are additional to the Baseline Wider Works Outputs specified in Table 1 of this condition.
- 6I.9 All Strategic Wider Works Outputs will be deemed to be specified in Table 3 of this condition following determination by the Authority in accordance with Part F of this condition.
- 6I.10 Where the licensee undertakes to develop Strategic Wider Works Outputs with another TO, supplementary information in respect of the determination by the Authority on those Strategic Wider Works Outputs will be deemed to be specified in Tables 4 and 56 of this condition. This will include the total Allowed Expenditure for the whole of the Strategic Wider Works Output and for the licensee, as well as the cost allocation methodology for the share of expenditure to be made by the licensee in respect of a particular Strategic Wider Works Output.

**Table 3: Strategic Wider Works Outputs**

Output description	Allowed Expenditure £m (2009/10 prices)													
	<u>Price control period</u>								<u>Post-price control period</u>					
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	<u>2021/22</u>	<u>2022/23</u>	<u>2023/24</u>	<u>2024/25</u>	<u>2025/26</u>	Total
<p>Output identifier: <u>Hinkley-Seabank Output</u></p> <p>Boundary (Sub-boundary): <u>B13</u></p> <p><u>Technical deliverables are specified in Table 5</u></p> <p>Transfer capability before output: <del>XXX MW</del></p> <p>Output to be delivered: <del>XXX MW</del> additional thermal/voltage/stability capability</p> <p>Transfer capability after output: <del>XXX MW</del></p> <p>Delivery required: <u>end Q3 201X/1X24/25</u></p>	<u>4.100</u>	<u>10.453</u>	<u>10.432</u>	<u>2.568</u>	<u>6.994</u>	<u>17.831</u>	<u>58.270</u>	<u>123.248</u>	<u>102.358</u>	<u>94.161</u>	<u>59.407</u>	<u>13.633</u>	<u>11.198</u>	<b><u>514.652</u></b>

**Table 4: Supplementary information for Strategic Wider Works Outputs for which provisions on joint delivery apply**

Allowed Expenditure for output name £m (2009/10 prices)	Cost allocation methodology	Price Control Period						Post Price Control Period		Total
		2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	
NGET share										
<b>TOTAL</b>										

**Table 5: Technical deliverables for the Hinkley-Seabank Output**

<u>Reference 1</u>	<u>Reference 2</u>	<u>Route code</u>	<u>Pre-fault continuous rating (MVA)</u>			<u>Post-fault continuous rating (MVA)</u>		
			<u>Winter</u>	<u>Spring/Autumn</u>	<u>Summer</u>	<u>Winter</u>	<u>Spring/Autumn</u>	<u>Summer</u>
<u>Sandford</u>	<u>Seabank</u>	<u>LD</u>	<u>2680</u>	<u>2570</u>	<u>2400</u>	<u>3190</u>	<u>3060</u>	<u>2850</u>
<u>Hinkley Point</u>	<u>Sandford</u>	<u>LD</u>	<u>2680</u>	<u>2570</u>	<u>2400</u>	<u>3190</u>	<u>3060</u>	<u>2850</u>
<u>Hinkley Point</u>	<u>Shurton</u>	<u>JP</u>	<u>2610</u>	<u>2560</u>	<u>2490</u>	<u>3100</u>	<u>3050</u>	<u>2960</u>
<u>Tower VQ1</u>	<u>Tower VQ43</u>	<u>VQ</u>	<u>2610</u>	<u>2560</u>	<u>2490</u>	<u>3100</u>	<u>3050</u>	<u>2960</u>
<u>Tower VQ43</u>	<u>Bridgewater</u>	<u>VQ</u>	<u>1710</u>	<u>1620</u>	<u>1480</u>	<u>2030</u>	<u>1930</u>	<u>1770</u>
<u>VQ Route</u>	<u>ZG Route</u>	<u>ZGA</u>	<u>2680</u>	<u>2570</u>	<u>2400</u>	<u>3190</u>	<u>3060</u>	<u>2850</u>
<u>Shurton</u>	<u>Taunton</u>	<u>ZZ</u>	<u>2040</u>	<u>1960</u>	<u>1820</u>	<u>2420</u>	<u>2330</u>	<u>2170</u>

6I.11 The licensee must report annually to the Authority on progress made in Delivering the outputs specified in Tables 1 and 3 of this condition along with information on its actual expenditure incurred in accordance with the RIGs.

## Part B: Cost and Output Adjusting Events

6I.12 This Part B (which should be read in conjunction with Part C of this condition) provides for a Cost and Output Adjusting Event (COAE) to have effect in relation to the outputs specified in Table 56 in this Part B.

**Table 56: Outputs specified in this condition eligible for COAE**

Output name	Relevant total Allowed Expenditure (£m, 2009/2010 prices)	Joint or licensee only Delivery
WHVDC Baseline Output	£1050.7	Joint - SP Transmission Ltd
<u>Hinkley- Seabank Output</u>	<u>514.7</u>	<u>Licensee only</u>

6I.13 For the purposes of this condition, a COAE arises where the Authority is satisfied that:

- (a) a pre-defined exceptional event, or, in the case of the Hinkley-Seabank Output, one or more pre-defined exceptional events, as defined in paragraph 6I.14 of this condition, has occurred that the licensee could not have reasonably foreseen and/or economically or efficiently planned a contingency for;
- (b) the single pre-defined exceptional event, or, in the case of the Hinkley-Seabank Output, the cumulative impact of any one or more pre-defined exceptional events, has resulted in a change to the scope of construction works required to Deliver the output and will cause expenditure relative to the relevant total Allowed Expenditure specified in Table 56 of this condition to be incurred or saved and that the difference before the application of the Totex Incentive Strength Rate will be no less than:
  - (i) 20% for a Strategic Wider Works Output (in nominal values); ~~or~~
  - (ii) 10% in the case of the WHVDC Output (in nominal values); or
  - (iii) 10% in the case of the Hinkley-Seabank Output (in nominal values);
- (c) the difference in expenditure:
  - (i) is expected to be efficiently incurred or saved; and
  - (ii) cannot otherwise be recovered under the revenue allowances provided by this condition or by or under any other provision within this licence;

6I.14 In paragraph 6I.13, ~~“a pre-defined exceptional event” is limited to the following:~~

- (a) except for the purposes of the Hinkley-Seabank Output, “a pre-defined exceptional event” is limited to the following:
- (i) extreme weather events (meaning a worse than 1 in 10 probability for land-based activity, and equivalent provisions for marine-based activity);
  - (ii) the imposition of additional terms or conditions of any statutory consent, approval or permission (including but not limited to planning consent); or
  - (iii) unforeseen ground or sea-bed conditions; and
- (b) for the purpose of the Hinkley-Seabank Output, “a pre-defined exceptional event” is limited to the following:
- (i) extreme weather events or widespread flooding (meaning a worse than 1 in 10 probability);
  - (ii) the imposition of additional terms or conditions of any statutory consent, approval or permission (including but not limited to planning consent);
  - (iii) unforeseen ground or sea-bed conditions;
  - (iv) any of the following circumstances directly attributable to the United Kingdom’s withdrawal from the European Union:
    - a. delays to the provision to the licensee of project materials;
    - b. an increase in relevant trade tariffs and/or import duties;
    - c. labour issues, such as those in relation to immigration controls;
    - d. legislative or regulatory changes including changes to the rate of VAT; and
    - e. foreign exchange movement;
  - (v) a livestock epizootic;
  - (vi) a project contractor, supplier or manufacturer is unable to complete contracted work due to insolvency-related issues, such as entering into liquidation or administration during the project delivery phase;
  - (vii) significant protestor action (resulting in greater than 14 days of delays in each instance);
  - (viii) a legal challenge to the procurement process by a prospective contractor; or
  - (ix) a terrorist attack.

6I.15 For the purposes of paragraph 6I.14(a) of this condition, the Authority will take into account any additional considerations provided in the WHVDC Decision Letter or that may be identified in the Authority’s determination on a particular Strategic Wider Works Output as to the nature of expenditure to be taken into account by the Authority in its consideration of whether a COAE has arisen.

6I.16 In paragraph 6I.13 of this condition, “change to the scope of construction works” means a change that is necessary to the scope and/or scale of those works as a result of a single pre-defined exceptional event in respect of an output set out in Table 56 of this condition.

### **Part C: Assessment of COAE**

6I.17 This Part C sets out a procedure that is to be applied for the purposes of enabling the Authority:

- (a) to assess whether a COAE has occurred; and, if so,

- (b) to determine the adjustment that is to be made because of it.

**(i) Licensee's notice to the Authority**

6I.18 Where the licensee considers, and can provide supporting evidence, that a COAE has occurred in relation to an output specified in Table 56 in Part B of this condition, it must give notice of that event to the Authority as soon as is reasonably practicable after that event has occurred, and in any event within three months after the end of the Relevant Year in which it occurred (or by such later date as the Authority may notify to the licensee).

6I.19 A notice under paragraph 6I.18 of this condition must:

- (a) be a joint submission with the relevant Transmission Licensees if the notice is in relation to an output specified as being Joint Delivery in Table 56 of Part B to this condition, and set out the change of costs for the output as a whole with reference to the cost allocation methodology set out in the relevant decision letter or SWW determination or a proposal for this if it has not been decided;
- (b) set out the reasons for the request, along with a description of the pre-defined exceptional event specified in Part B to this condition to which the notice relates and why the licensee considers it to be a COAE;
- (c) comply with any relevant requirements the Authority may have set in relation to the COAE provisions in its WHVDC Decision letter or when making its determination on a Strategic Wider Works Output;
- (d) describe progress made in relation to its original project plans for the Delivery of the WHVDC Output or a Strategic Wider Works Output as specified in Part A of this condition;
- (e) describe the requested changes in Part A of this condition and where appropriate to Table 67 in Part G of this condition;
- (f) specify the costs that the licensee expects to be incurred or saved by the COAE, and explain how the amount of those costs has been calculated including relevant evidence on the change to the scope of the construction works;
- (g) provide revised project development plans, design works, forecast costs for the affected project cost items, cost breakdowns for the affected project cost items, annual expenditure profiles, and the construction programme;
- (h) specify whether the licensee expects the COAE to have an impact on the timeline for the Delivery of the WHVDC Output or Strategic Wider Works Output and explain what actions it has or will take to mitigate the impact of the event on the scheduled Delivery date;
- (i) specify any other changes to the output specified in Part A of this condition that the licensee considers necessary as a consequence of the event, and explain how those changes have been calculated;
- (j) describe why the licensee considers that the relevant costs cannot otherwise be recovered under the revenue allowances provided by this condition or by or under any other provision of this licence;

- (k) confirm that none of the costs that are the subject of the notice has been, or will be, notified to the Authority in relation to any other revenue recovery arrangements in this licence; and
- (l) include any other analysis or information that the licensee considers may be relevant to the Authority's consideration of its request.

6I.20 The notice must also contain or be accompanied by:

- (a) details of any relevant calculations of the licensee in which revised expenditure or output specifications have been estimated, and any relevant supporting information;
- (b) a statement procured from independent technical advisers that assess whether or not amendments in relation to the scope of the works, the costs and Delivery timing fairly reflect the effects of the pre-defined exceptional event;

## **(ii) Determination by the Authority**

6I.21 Where the Authority receives notice from the licensee under paragraph 6I.18 to this condition, it will determine in a manner so as to facilitate the timely Delivery of the WHVDC Output or SWW Outputs:

- (a) whether a COAE has occurred in relation to an output that is specified in Table 56 of Part B of this condition; and
- (b) whether the output will remain economical and efficient as a consequence of the pre-defined exceptional event; and
- (c) subject to paragraph 6I.21(a) and (b) of this condition, the adjustment that is to be given effect through a modification under Part G of this condition in relation to the relevant total Allowed Expenditure specified for the output in Table 56 of this condition, including where relevant the COAE for the project as a whole if the relevant project is specified as being Joint Delivery and apportioning this to the licensee where appropriate with reference to the methodology set out in the relevant decision letter or SWW Output determination.

6I.22 Where the Authority determines under paragraph 6I.21 of this condition that each of sub-paragraphs (a) and (b) is satisfied, the adjustment that it determines under sub-paragraph (c) of paragraph 6I.21 must be such as to ensure that the financial position and performance of the licensee will, so far as is reasonably practicable, remain the same as if the COAE had not occurred.

## **(iii) Revocation**

6I.23 The Authority may, with the consent of the licensee, revoke a determination made under paragraph 6I.21 of this condition.

## **Part D: Amendments for Changes in System Background**

6I.24 This Part (which should be read in conjunction with Part E of this condition) provides for an Output Amendment (OA) to have effect in relation to Baseline Wider Works Outputs and Strategic Wider Works Outputs specified in Tables 1 or 3 in Part A of this condition.

6I.25 For the purposes of this condition, an OA arises where the Authority is satisfied that:

- (a) there have been changes in the system background compared with the assumptions used initially to model and specify a Baseline Wider Works Output or a Strategic Wider Works Output in Tables 1 or 3 in Part A of this condition.
- (b) those changes will directly result in a difference between:
  - (i) the capacity increase of the Baseline Wider Works Output or Strategic Wider Works Output in Tables 1 or 3 in Part A respectively;
  - (ii) the achievable capacity increase; and
- (c) amending the Baseline Wider Works Output or Strategic Wider Works Output with a revised capacity increase based on the new information about the system background has no implications for the Allowed Expenditure specified in Tables 1 or 3 in Part A of this condition respectively.

6I.26 In paragraph 6I.25 of this condition, “changes in the system background” mean unforeseen changes in the generation and demand background.

#### **Part E: Assessment of OA**

6I.27 This Part E sets out a procedure that is to be applied for the purposes of enabling the Authority:

- (a) to assess whether a Baseline Wider Works Output and a Strategic Wider Works Output specified in Tables 1 or 3 in Part A of this condition requires an OA (within the meaning of Part D) as a direct result of changes in the system background; and, if so,
- (b) to determine the OA to the Baseline Wider Works Output or the Strategic Wider Works Output that is to be made because of those changes.

#### **(i) Licensee’s notice to the Authority**

6I.28 Where the licensee considers, and can provide supporting evidence, that changes in the system background compared with the initial assumptions used to specify a Baseline Wider Works Output or a Strategic Wider Works Output as set out in Tables 1 or 3 in Part A of this condition has had an impact on the description of a Baseline Wider Works Output or a Strategic Wider Works Output, it must give notice to the Authority as soon as is reasonably practicable, and in any event within three months after the end of the Relevant Year in which the Baseline Wider Works Output or the Strategic Wider Works Output was Delivered (or by such later date as the Authority may notify to the licensee).

6I.29 A notice under paragraph 6I.28 of this condition must include:

- (a) a description of the Baseline Wider Works Output or the Strategic Wider Works Output to which the notice relates;
- (b) a progress report in relation to Delivery of the Baseline Wider Works Output or the Strategic Wider Works Output to which the notice relates;

- (c) the reasons for the requested adjustment, along with relevant supporting evidence of the changes in the system background to which the notice relates and why the licensee considers that those changes have directly resulted in a difference between the achievable description of outputs and the relevant description of outputs specified in Tables 1 or 3 in Part A of this condition; and
- (d) a statement that an amendment to the description of outputs for the relevant Baseline Wider Works Output or Strategic Wider Works Output based on the revised system background would not have implications for the Allowed Expenditure for Delivering that output.

6I.30 The notice must also contain or be accompanied by:

- (a) consideration of whether the amendment to the description of outputs for the relevant Baseline Wider Works Output or Strategic Wider Works Output set out in the notice has any implications for other Baseline Wider Works Output or Strategic Wider Works Outputs specified in Tables 1 or 3 in Part A of this condition; and
- (b) any other analysis or information that the licensee considers relevant to the Authority's assessment of the event.

## **(ii) Determination by the Authority**

6I.31 Where the Authority receives notice from the licensee under paragraph 6I.28 of this condition, it will determine:

- (a) whether an amendment to the description of outputs for the relevant Baseline Wider Works Output or Strategic Wider Works Output as set out in the notice is a direct result of changes in the system background; and, if so,
- (b) the adjustment that is to be given effect through a modification under Part F of this condition in relation to the description of outputs for the relevant Baseline Wider Works Output or Strategic Wider Works Output.

## **(iii) Revocation**

6I.32 The Authority may, with the consent of the licensee, revoke a determination made under paragraph 6I.31 of this condition. ~~56~~

## **Part F: Modification to amend the details of existing Baseline Wider Works Outputs or Strategic Wider Works Outputs or to approve additional Strategic Wider Works Outputs**

6I.33 The Authority may direct modifications to Tables 1 to ~~45~~ in Part A, Table ~~56~~ in Part B and, where applicable to Table ~~67~~ in Part G of this condition in order to:

- (a) amend the details of Baseline Wider Works Outputs or Strategic Wider Works Outputs specified in Tables 1 to ~~45~~ in Part A of this condition; or
- (b) add details, including the amount of Allowed Expenditure, of additional Strategic Wider Works Outputs for inclusion in Tables ~~3 and Table 4~~ to ~~5~~ (if applicable) in Part

A, Table 56 in Part B, and Table 67 in Part G of this condition, by applying the provisions of this Part F.

6I.34 A direction under paragraph 6I.33(a) of this condition may arise from:

- (a) a COAE defined in Part B of this condition and determined by the Authority in accordance with Part C of this condition; or
- (b) an OA defined in Part D of this condition and determined by the Authority in accordance with Part E of this condition.

6I.35 A direction issued by the Authority under paragraph 6I.33 of this condition is of no effect unless the Authority has first:

- (a) given notice to interested parties that it proposes to issue a direction under paragraph 6I.33 of this condition:
  - (i) specifying the date on which it proposes that the direction should take effect;
  - (ii) specifying, where appropriate, any output and/or Allowed Expenditure adjustments that have been determined in accordance with Part C, Part E and Part F of this condition; and
  - (iii) specifying the time (which must not be less than a period of 28 days within which representations concerning the proposed direction may be made; and
- (b) considered any representations in response to the notice that are duly made and not withdrawn.

**(i) Licensee's notice to the Authority in respect of new Strategic Wider Works Outputs**

6I.36 Where the licensee proposes to request that the Authority specify a new Strategic Wider Works Output then it must give notice to the Authority in such form as the Authority may from time to time require.

6I.37 The licensee must provide notice of such a request in accordance with the timeline set out in Final Proposals and in reasonable timescales for the Authority to conduct its assessment in accordance with the timeline set out in Final Proposals or as amended by the Authority in further guidance it may issue from time to time (or by such alternative date as the Authority may notify to the licensee).

6I.38 A notice under paragraph 6I.36 of this condition must contain:

- (a) a description of the proposed Strategic Wider Works Output and requested Allowed Expenditure for each Relevant Year, including evidence that the proposed output meets the materiality criteria set out by the licensee in the licensee's Network Development Policy in accordance with Part B of Special Condition 6J (Allowed Expenditure for Incremental Wider Works);
- (b) the reasons for the request, including the associated needs case and cost-benefit analysis for the Strategic Wider Works Output and Delivery timescales. This should include all relevant supporting analysis, such as any analysis undertaken by the system operator. In the event of any difference between the needs case and the analysis produced by the system operator, an explanation of the difference and any associated implications must be provided; and

- (c) a planned submission timetable for further information that the licensee considers relevant to the Authority's assessment of the request, taking into account any guidance that may be issued by the Authority for this purpose from time to time.

6I.39 For the purposes of paragraph 6I.38(c) of this condition, relevant information is expected to include, without limitation:

- (a) a specification of the potential risks associated with Delivery and ongoing operation of the proposed Strategic Wider Works Output as well as relevant supporting information on the licensee's risk management strategy and the efficiency of its risk sharing arrangements with consumers;
- (b) a description of the licensee's Delivery plans including a project assessment timeline, project development plans, planning consent details and status, details of the construction programme, and a scheduled completion date.
- (c) evidence of efficient costs including information on detailed design works, the licensee's supplier procurement and tender procedures, forecast costs on a year by year basis, and a breakdown of the forecast costs;
- (d) a description of the additional Strategic Wider Works Output in the form set out in Table 3 in Part A of this condition; and
- (e) any other analysis or information that the licensee considers may be relevant to the Authority's consideration of its request.

## **(ii) Determination by the Authority**

6I.40 Where the Authority receives notice from the licensee under paragraph 6I.36 of this condition in relation to an additional Strategic Wider Works Output, it may seek any other analysis or information that the Authority considers relevant to the Authority's assessment of the request and may specify timescales for provision of this information such that it may be taken into account by the Authority for the purposes of reaching a determination under this paragraph. Subject to timely provision of such information by the licensee, and following consultation with such other parties as the Authority considers may be affected by its determination, the Authority will then determine:

- (a) whether the needs case, technical scope and timing of Delivery are sufficiently well justified and represent long term value for money for existing and future consumers;
- (b) whether the licensee has developed a sufficiently robust development plan and risk sharing arrangements to Deliver the output efficiently; and
- (c) whether there is a sufficiently advanced technical option(s) for the Authority to assess efficient costs and specify a Strategic Wider Works Output; and if so
- (d) the adjustment that is to be given effect through a modification under this Part F.

## **(iii) Revocation**

6I.41 The Authority may, after consulting the licensee, revoke a determination made under paragraph 6I.40 of this condition.

## **Part G: Determination of revisions to WWE values**

6I.42 This Part sets out the process for issuing revisions to WWE values for use in the Annual Iteration Process for the ET1 Price Control Financial Model.

6I.43 Table 67 of this condition sets out the amounts of Allowed Expenditure for Strategic Wider Works Output or the WHVDC Output after any modifications directed under Part F of this condition and the total of those amounts for each Relevant Year of the Price Control Period.

**Table 67: WWE values after modifications under Part F**

£m (2009/10 prices)	Relevant Year							
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
output name								
WWE total								

6I.44 The Authority will, by 30 November in each Relevant Year t-1, or as soon as reasonably practicable thereafter ascertain whether the WWE value for any Relevant Year is different from the Allowed Expenditure total for the corresponding Relevant Year set out in Table 67 of this condition and, in any case where it is different, the Authority will:

- (a) determine that the WWE value for the Relevant Year concerned is to be revised so as to be the same as the Allowed Expenditure total in Table 67 of this condition; and
- (b) issue a direction, in accordance with the provisions of Part H of this condition specifying any revised WWE values determined under sub-paragraph (a) and the Relevant Years to which they relate.

**Part H: Procedure for direction of revised WWE values by the Authority**

6I.45 Any revised WWE values determined by the Authority in accordance with Part G of this condition will be directed by the Authority by 30 November or as soon as reasonably practicable thereafter in each Relevant Year t-1.

6I.46 A direction issued by the Authority under paragraph 6I.45 of this condition will be of no effect unless the Authority has first:

- (a) given notice to interested parties that it proposes to issue a direction under paragraph 6I.45 of this condition:
  - (i) specifying the date on which it proposes that the direction should take effect;
  - (ii) stating, where appropriate, that any WWE values have been determined in accordance with Part G of this condition (as appropriate); and
  - (iii) specifying the time (which must not be less than a period of 14 days) within which representations concerning the proposed direction may be made; and

- (b) considered any representations in response to the notice that are duly made and not withdrawn.

6I.47 Where the Authority directs any revised WWE values relating to Relevant Years which are earlier than Relevant Year  $t$  (following the date of the direction), the effect of using those revised WWE values in the Annual Iteration Process for the ET1 Price Control Financial Model will, subject to a Time Value of Money Adjustment, be reflected in the calculation of the term MOD for Relevant Year  $t$  and, for the avoidance of doubt, no previously directed value of the term MOD will be retrospectively affected.

6I.48 If, for any reason in any Relevant Year  $t-1$ , the Authority does not make a direction in relation to revised WWE values by 30 November, or as soon as reasonably practicable thereafter, then no revised WWE values will be used in the Annual Iteration Process that is required by Special Condition 5B to be undertaken by the Authority by 30 November in that same Relevant Year  $t-1$ , and the Authority will take full account of the position when determining and directing any revised WWE values in respect of the next Annual Iteration Process.