

**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on Suffolk Energy Action Solutions' NDA / Complaint

Applicant: East Anglia TWO and East Anglia ONE North Limited
Document Reference: ExA.AS-14.D10.V1
SPR Reference: EA1N_EA2-DWF-ENV-REP-IBR-001064

Date: 6th May 2021
Revision: Version 1
Author: Shepherd and Wedderburn LLP

Applicable to East Anglia ONE North and East Anglia TWO



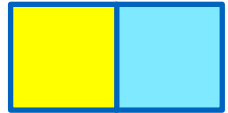
Revision Summary				
Rev	Date	Prepared by	Checked by	Approved by
001	06/05/2021	Shepherd and Wedderburn LLP	Lesley Jamieson / Ian MacKay	Rich Morris

Description of Revisions			
Rev	Page	Section	Description
001	n/a	n/a	Final for Deadline 10 Submission



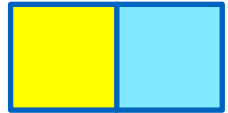
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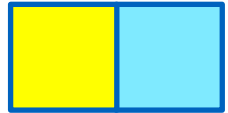
Glossary of Acronyms

APP	Application Document
DCO	Development Consent Order
ExA	Examination Authority
NDA	Non-Disclosure Agreement
PD	Procedural Decision
SEAS	Suffolk Energy Action Solutions



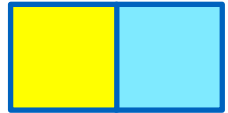
Glossary of Terminology

Applicant	East Anglia TWO Limited / East Anglia ONE North Limited and for the purposes of this submission includes ScottishPower Renewables (UK) Limited
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.



1 Introduction

1. This document presents the Applicants' response to Suffolk Energy Action Solutions (SEAS) Deadline 9 Submissions on **Response to Applicant's Deadline 8 Submission re Non-Disclosure Agreements (NDA)** (REP9-086).
2. This document is applicable to both the East Anglia TWO and East Anglia ONE North Development Consent Order (DCO) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23rd December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



2 Applicants' Response

3. The Applicants invite the Examination Authority (ExA) to read the SEAS submission (***Response to Applicant's Deadline 8 Submission re Non-Disclosure Agreements (NDA)*** (REP9-086)). The tone and language is wholly unjustified. The premise of the argument is based on an improper interpretation of the Heads of Terms document. The Heads of Terms are not binding agreements and are the precursor to further negotiation between agents and solicitors. Both sets of solicitors who act on behalf of the vast majority of landowners agree with this interpretation and it is the basis on which the ongoing negotiations have been progressed. SEAS have not submitted a copy of legal advice to the contrary.
4. In terms of the "recent events", SPR did not have to take steps to identify the source of the Heads of Terms. As identified in the Applicants' response at Deadline 9 (***Applicants' Comments on Suffolk Energy Action Solutions' Complaint*** (REP9-010)) the Heads of Terms contained terms which were unique to particular landowners.
5. Paragraph 15 of the SEAS submission (***Response to Applicant's Deadline 8 Submission re Non-Disclosure Agreements (NDA)*** (REP9-086)) does not represent an accurate account of matters. First, SPR did not contact X's agent. SPR did not "hit the roof" and nor did SPR threaten X that there could be financial repercussions. These claims are incorrect.
6. The facts are as follows. On the 6 April 2021 [REDACTED] Lees of Dalcour Maclaren left a voicemail with [REDACTED] the agent for X. [REDACTED] returned the call and a discussion was held regarding the release of extracts of Heads of Terms and the question was asked as to whether X wished to continue to progress with the Option Agreement. [REDACTED] then contacted X and took instructions and called [REDACTED] back. [REDACTED] explained that X had been approached by SEAS but that they only released information X considered was not commercially sensitive and that X was keen to progress with the Option Agreement. On 23 April 2021 [REDACTED] again spoke with [REDACTED]. [REDACTED] had been provided with a copy of paragraph 15 of the SEAS submission. [REDACTED] confirmed that at no point did he indicate to his client, X, that there would be any financial penalties imposed.
7. The Applicants have nothing further to add. The matters raised have been responded to in the Applicants' Deadline 9 submission (***Applicants' Comments on Suffolk Energy Action Solutions' Complaint*** (REP9-010)).