



The Secretary of State for Transport
c/o The A30 Chiverton to Carland Cross Case Team
The Planning Inspectorate
Eagle Wing 3/18
Temple Quay House
Temple Quay
Bristol
BS1 6PN

6th January 2020

Dear Sirs

A30 Chiverton to Carland Cross Scheme (PINS Ref TR010026)

Scottish Power Renewables (UK) Limited - Response to Highways England's Response of 12 December 2019 to the Secretary of State's Request for Comments of 28 November 2019

We refer to the request from the Secretary of State dated 28 November 2019, in which the Secretary of State sought an update from Highways England ("HE") and ScottishPower Renewables (UK) Limited ("SPRUK") on the status of the proposed legal agreement between the parties. On 12 December 2019, both SPRUK and Burges Salmon on behalf of HE responded to the Secretary of State's request to provide an update. SPRUK was surprised by the content of HE's letter, which implied that SPRUK has not been responsive in the ongoing discussions in relation to the legal agreement which would enable to SPRUK to formally withdraw its objection to the scheme.

As SPRUK confirmed in its Relevant Representation, SPRUK tried to engage with HE since early 2016, but received no meaningful engagement in response until January 2019. Until that point, the level of detail provided by HE was unsatisfactory and did not address the technical concerns raised, despite SPRUK repeatedly attempting to engage and correspond with HE with little effective response. Early in 2019, a general principles document setting out the practicalities of the agreement was agreed. This document largely resolved the technical issues, which allowed the parties to move to the legal drafting of the agreement. SPRUK has continued to engage with HE in attempting to conclude the legal agreement. Since there would be significant construction works at the operational windfarm's main access and removal and replacement of key elements of the windfarm infrastructure including inter-array cables, the agreement has raised complex technical and contractual issues that SPRUK anticipated, which was why SPRUK has been attempting to engage since early 2016.

In terms of the negotiation of the agreement since the principles document was agreed, SPRUK has sought at all stages to work closely with HE on the agreement, which deals with complex construction issues. HE has, at various stages, included significant changes, which were not included in previous drafts of the agreement that SPRUK has had to consider and revert on. We do not propose to provide a rebuttal of each of the points made in HE's letter of 12 December 2019, however we would highlight that the Secretary of State should treat the HE letter with caution, as the version of events regarding engagement and timescales presented by HE are not reflective of SPRUK's engagement in the negotiation. A recent example of this is that whilst HE state that they issued a draft of the agreement on 7 November 2019, they do not mention that the draft they provided (i) contained significant new revisions and (ii) failed to include any update on a key aspect of the agreement, being the draft key contactor collateral warranty. That drafting was in fact not provided until 26 November, and when it did arrive, the warranty contained significant changes against the previous draft. Despite that, SPRUK made efforts to review and return the revised draft of that agreement including the collateral warranty on 4 December (six working days after the collateral warranty drafting was received). SPRUK also

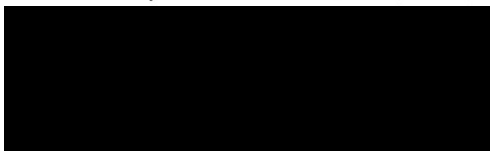
ScottishPower Renewables, 320 St Vincent Street, Glasgow, G2 5AD
Telephone 0141 614 0000

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proposed the date for and hosted the meeting on the afternoon of 9 December, and then provided an updated draft to HE the following day, on 10 December 2019.

The parties continue to negotiate the final wording of what is a complex agreement. In the event that an agreement cannot be reached by 6 February 2020, SPRUK would request that the protective provisions submitted by SPRUK to the Planning Inspectorate at Deadline 6 on 4 July 2019 are included in the DCO in the event it is granted.

Yours faithfully



Gerry Gibson

Construction Project Manager

ScottishPower Renewables
320 St. Vincent Street, Glasgow, G2 5AD

Tel: +44 (0) 141 614 3059



gerry.gibson@ScottishPower.com