

Energy Infrastructure Planning

From:
Sent: 13 January 2017 17:03
To: Energy Infrastructure Planning
Subject: Heckington Fen Windfarm

Dear Sir/Madam

We are contacting you in order to register our strong objections to the proposed wind farm at Heckington Fen. We have lived in the village of South Kyme for the last eight years and have come to fully appreciate the low lying Fenland landscape.

Our village is situated down the B1395 from East Heckington and is within 5 kilometres of the proposed site. We feel that the environmental impact of this development would be immense and are particularly worried about noise and visual pollution.

Our local action group 'Heck Off' have funded an independent Noise Impact Assessment which was undertaken by Dr. Yelland. This assessment has called into question the original one carried out by Ecotricity. We note that they have defended their assessment and have raised additional issues which will require further work by Dr. Yelland and further financial contributions from local residents.

Ecotricity want to increase the turbine blade diameter from 90 metres to 103. This is totally unacceptable as it will lead to further noise pollution problems for local residents. It is recognised that large scale wind turbine farms do emit specific types of noise characteristics, especially low frequency and amplitude modulation, which are not masked by background noise and cannot be protected against. It is our view that this variation from the original plans should be refused or at the very least be the subject of a new enquiry.

The size of the proposed turbines is mind boggling. Kyme Tower stands out over the surrounding landscape and is an attractive addition to the skyline. The idea of having 22 wind turbines which are three and a half times taller is far from attractive and that does not include the blade size ! The Boston Stump can be seen quite clearly from here on a clear day and it is only marginally higher than the hub of the proposed turbines.

The extra traffic that this development would generate for the A17 and B1395 both during construction and after, the loss of valuable farmland, implications for wildlife and the effect on local house prices are also concerns.

In the background to these concerns is the fact that we have yet to be convinced that wind power is an efficient and cost effective part of the answer to our energy problems.

We would ask you to consider these points during your deliberations on this proposal.

Yours faithfully

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15 January 2017

Secretary of State for Business, Energy and Industrial Strategy
c/o Keith Welford
Energy Infrastructure Planning
3 Whitehall Place
London
SW1A 2AW

Dear Sir

Ecotricity Heckington Fen Wind Farm Variation of Consent ref: 4038P019901

I refer to my letter dated 6 May 2016 and the recent response from Hoare Lea.

The assertion by Ecotricity that several residents of Side Bar Lane were unwilling to engage with the noise assessment is questionable. I was never approached by either Ecotricity or Hoare Lea, nor did I receive any form of communication from either.

As far as my neighbour at _____ is concerned, I can only say he was an elderly man who died some 3 years ago. I used to speak to him frequently, but he never mentioned receiving a letter regarding the siting of monitoring equipment.

It would be interesting to discover which residents contacted by Ecotricity were unwilling to co-operate as stated by Hoare Lea.

I reiterate my concern that honesty was not part of the vital research into noise levels at Side Bar Lane in connection with the erection of Heckington Fen Wind Farm.

Yours faithfully

Secretary of State for Business, Energy and Industrial Strategy
c/o Keith Welford
Energy Infrastructure Planning
3 Whitehall Place
LONDON
SW1A 2AW
Contact email: beiseip@beis.gov.uk

Date: 16.01.2017

(17)

RE: Ecotricity Heckington Fen Wind Farm Variation of Consent ref: 4038P019901.

My name is

and my address is

.....Post Code

Email address:.....

Dear Sir,

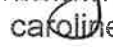
I understand that following representations made to your department by our community's Heckington Fen Wind Farm Action Group (HECK OFF) and the submission of The Wind Turbine Noise Impact Assessment Appraisal, also commissioned and funded by both Heck Off and the local communities, undertaken by Dr John Yelland, which called into question the original noise impact assessment carried out by Ecotricity. Ecotricity as expected, have defended their original noise impact assessment and raised additional issues and in response to this, Dr Yelland will be submitting a subsequent report to your department (DBEIS) which will continue to substantiate his findings that Ecotricity's original and variation noise assessments are and remain fundamentally flawed, non compliant and will not protect local residents from adverse noise impacts.

I have lived in Lincolnshire for the past 20.... years and as an **affected local resident**, wish to register my continuing strong **OBJECTION** to Ecotricity's continued attempt to vary the turbine configuration of their Heckington Fen wind farm, which was consented by a Government appointed Inspector against the legitimate planning concerns of our Local Planning Authority, our local Members of Parliament, District and Parish Councillors' representatives', in solid support of local residents.

I consider that my original concerns have not been allayed and that to approve the proposed increase in the turbine blades rotor diameter from 90m to a maximum rotor diameter of up to 103m is totally unacceptable, because it is recognised that large scale wind turbines do emit specific types of noise characteristics, especially low frequency and amplitude modulation, which are not masked by background noise, protection against which is still not available for affected local residents after all this time. This is also despite the latest unacceptable attempt by the wind turbine industry to appear to be addressing this issue when clearly they are not.

Finally, I did not back the proposed wind farm from the beginning and I do not back this now. There should either be a new inquiry, or failing this, the proposed variation should be refused.

Yours Faithfully,

cc.  caroline.johnson.mp@parliament.uk
matt.warman.mp@parliament.uk

TEL:

Secretary of State for Business, Energy and Industrial Strategy
c/o Keith Welford
Energy Infrastructure Planning
3 Whitehall Place
LONDON
SW1A 2AW

17 January 2017

BY POST AND EMAIL

Dear Mr Welford,

Ecotricity Heckington Fen Wind Farm Variation of Consent ref: 4038P019901

We understand that following representations made to your department by our community's Heckington Fen Wind Farm Action Group (HECK OFF) and the submission of The Wind Turbine Noise Impact Assessment Appraisal undertaken by Dr John Yelland, also commissioned and funded by both Heck Off and the local communities, which called into question the original noise impact assessment carried out by Ecotricity, Ecotricity as expected have defended their original noise impact assessment and raised additional issues. In response to this, Dr Yelland will be submitting a further report to your Department which will continue to substantiate his findings that Ecotricity's original and variation noise assessments are and remain fundamentally flawed, non compliant and will not protect local residents from adverse noise impacts.

As affected local residents, we wish to register our continuing strong objection to Ecotricity's continued attempt to vary the turbine configuration of their Heckington Fen wind farm, which although consented by a government appointed inspector was very much against the legitimate planning concerns of our local Planning Authority, our local Members of Parliament, District and Parish Councillors' representatives', all of whom were in solid support of local residents.

We consider that our original concerns have not been allayed and that to approve the proposed increase in the turbine blades' rotor diameter from 90m to a maximum rotor diameter of up to 103m is totally unacceptable, because it is recognised that large scale wind turbines do emit specific types of noise characteristics, especially low frequency and amplitude modulation, which are not masked by background noise, protection against which is still not available for affected local residents after all this time. This is also despite the latest unacceptable attempt by the wind turbine industry to appear to be addressing this issue when clearly they are not.

Finally, we did not back the proposed wind farm from the beginning and do not back this now. There should either be a new inquiry, or failing this, the proposed variation should be refused.

Yours faithfully,

cc by email: beiseip@beis.gov.uk
caroline.johnson.mp@parliament.uk
matt.warman.mp@parliament.uk

Secretary of State for Business, Energy and Industrial Strategy
c/o Keith Welford
Energy Infrastructure Planning
3 Whitehall Place
LONDON SW1A 2AW

21st January 2017

Dear Mr Welford

Re: Ecotricity Heckington Fen Wind Farm Variation of Consent ref: 4038P019901

We have read Ecotricity's recent comments made by Dr Cand regarding our property and hold to what we have said in our previous letter dated 27.05.2016.

Obviously, we would like to see this planning application refused and put to bed without wasting any more time on it.

The most northern area of our property bordering the adjacent wind farm land, is an important part of our residential space where our family enjoy periods of quiet relaxation, this is where our children's trampoline is sited and we use it for BBQ's. We are aware that Ecotricity only took our lawn to the north of our bungalow as a rarely used residential area. This treed area is 103 metres nearer to a proposed turbine which we feel is significant.

We have no confidence in the Noise Impact Study produced by Ecotricity and would like to insist that truly independent report is undertaken, whereby agreed monitoring sites are used and the results are made public.

We cannot see how 2 Council Houses can be representative as a proxy for Home Farm, as it is much nearer to the traffic noise funnelling from the A17, also the siting of equipment there was too near to buildings.

If we had given permission for noise monitoring equipment Ecotricity's noise consultants were going to position equipment at the back of our bungalow and we believe they were intending to position this on our patio. We had real concerns about this especially, as this is not the quietest place within our grounds.

Regards

Energy Infrastructure Planning

From:
Sent: 21 January 2017 19:06
To: Energy Infrastructure Planning
Cc: caroline.johnson.mp@parliament.uk; matt.warman.mp@parliament.uk

FROM:-

TO:- Secretary of State for Business, Energy and Industrial Strategy
 c/o Keith Welford

Energy Infrastructure Planning
 3 Whitehall Place
 LONDON
 SW1A 2AW
 Contact email: beiseip@beis.gov.uk

RE: Ecotricity Heckington Fen Wind Farm Variation of Consent ref: 4038P019901.

21/1/17

Dear Sir,

I understand that following representations made to your department by our community's Heckington Fen Wind Farm Action Group (HECK OFF) and the submission of The Wind Turbine Noise Impact Assessment Appraisal, also commissioned and funded by both Heck Off and the local communities, undertaken by Dr John Yelland, which called into question the original noise impact assessment carried out by Ecotricity.

Ecotricity as expected, have defended their original noise impact assessment and raised additional issues and in response to this, Dr Yelland will be submitting a subsequent report to your department (DBEIS) which will continue to substantiate his findings that Ecotricity's original and variation noise assessments are and remain fundamentally flawed, non compliant and will not protect local residents from adverse noise impacts.

I have lived in Lincolnshire for the past ...fifteen years and as an **affected local resident**, wish to register my continuing strong **OBJECTION** to Ecotricity's continued attempt to vary the turbine configuration of their Heckington Fen wind farm, which was consented by a Government appointed Inspector against the legitimate planning concerns of our Local Planning Authority, our local Members of Parliament, District and Parish Councillors' representatives', in solid support of local residents.

I consider that my original concerns have not been allayed and that to approve the proposed increase in the turbine blades rotor diameter from 90m to a maximum rotor diameter of up to 103m is totally unacceptable, because it is recognised that large scale wind turbines do emit specific types of noise characteristics, especially low frequency and amplitude modulation, which are not masked by background noise, protection against which is still not available for affected local residents after all this time. This is also despite the latest unacceptable attempt by the wind turbine industry to appear to be addressing this issue when clearly they are not.

I would wish to explain why I am an interested party. Myself and my wife live close to the thirteen wind turbines which have been operating on Bicker Fen for some years.

Before the turbines were constructed we were told that we should have no noise problems. This has proved to be completely untrue. Noise pollution from the Bicker Fen turbines has been unacceptably high and caused me considerable health problems. The noise pollution is not continuous, as the wind has to be in a certain direction.

The thump, thump, thump from these turbines goes through my skull causing distress, and must have contributed to my deteriorating health over the years. I am now seriously ill and have to rely on very strong medication to survive.

During the construction period for the turbines and National Grid sub-station there were 355000 vehicles passing my door, with 155000 speeding. These are Lincolnshire County Council figures collected by their "Archer" system.

Promises made by developers in respect of working hours, wheel washes, traffic control, road cleaning etc etc were not fulfilled, and many planning conditions ignored. This resulted in residents lives being destroyed for four years, and will no doubt be repeated if the proposed Heckington turbines are built. This area is being overrun with electricity infrastructure and the cumulative effect when adding Heckington turbines is totally unacceptable to residents.

We already have thirteen wind turbines, two sub-stations (to be greatly expanded) and to come is the infrastructure for the Viking Link and Triton Knoll projects – vast schemes.

The proposed Heckington turbines, especially of the huge size now sought, are far too close to the Bicker turbines, increasing the unacceptable cumulative effect.

There is also the overhead cabling to come to the Western Power sub-station from Heckington. This adds to the unacceptable cumulative effect, and will overall with other schemes result in the destruction of hundreds of acres of Grade 1 agricultural land desperately needed for food as the population increases.

There have been other serious illnesses in local residents since the Bicker turbines were built.

Finally, I did not back the proposed wind farm from the beginning and I do not back this now. There should either be a new inquiry, or failing this, the proposed variation should be refused. Thank you for your consideration of my objections.

Yours Faithfully,

cc. caroline.johnson.mp@parliament.uk
matt.warman.mp@parliament.uk

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Energy Infrastructure Planning

From:
Sent: 23 January 2017 17:52
To: Energy Infrastructure Planning
Cc: carolinejohnson.mp@parliament.uk; matt.warman.mp@parliament.uk
Subject: Ecotricity Heckington Fen Wind Farm Variation of Consent ref: 4038P019901

Secretary of State for Business, Energy and Industrial Strategy
c/o Keith Welford
Energy Infrastructure planning
3 Whitehall Place
LONDON
SW1A 2AW

Dear Sir,

I understand that following representations made to your department by our community's Heckington Fen Wind Farm Action Group (HECK OFF) and the submission of the Wind Turbine Noise Impact Assessment Appraisal, also commissioned and funded by both Heck Off and the local communities, undertaken by Dr John Yelland, which called into question the original noise impact assessment carried out by Ecotricity. Ecotricity as expected, have defended their original noise impact assessment and raised additional issues and in response to this, Dr Yelland will be submitting a subsequent report to your department (DBEIS) which will continue to substantiate his findings that Ecotricity's original and variation noise assessments are and remain fundamentally flawed, non compliant and will not protect local residents from adverse noise impacts.

I have lived in Lincolnshire for the past 58 years and as an affected local resident, wish to register my continuing strong OBJECTION to Ecotricity's continued attempt to vary the turbine configuration of their Heckington Fen wind farm, which was consented by a Government appointed Inspector against the legitimate planning concerns of our Local Planning Authority, our local Members of Parliament, District and Parish Councillors' representatives', in solid support of local residents.

I consider that my original concerns have not been allayed and that to approve the proposed increase in the turbine blades rotor diameter from 90m to a maximum rotor diameter of up to 103m is totally unacceptable, because it is recognised that large scale wind turbines do emit specific types of noise

characteristics, especially low frequency and amplitude modulation, which are not masked by background noise, protection against which is still not available for affected local residents after all this time. This is also despite the latest unacceptable attempt by the wind turbine industry to appear to be addressing this issue which clearly they are not.

Finally, I did not back the proposed wind farm from the beginning and I do not back this now. There should either be a new enquiry, or failing this, the proposed variation should be refused.

Yours Faithfully,

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Submission by

Secretary of State Rt Hon Greg Clark.
Department of Business Energy & Industrial Strategy
3 Whitehall Place LONDON SW1A 2AW

Case Manager Keith Welford

Re: 3rd Round Consultations Ecotricity Heckington Fen Wind Farm
Variation Application Ref 4038P019901

28th January 2017

Dear Sir,

Further to my previous submissions and in response to your notification of a 3rd round of consultations, I wish to draw your attention to the following substantive information which I respectfully request is carefully considered.

I am also concerned that my previous submissions to yourselves may not have been regarded or passed on to Ecotricity, if they have, I have no grounds or assurance that Ecotricity have given these any consideration at all.

These submissions advised your predecessor that I was one of the local residents who were approached by representatives of Ecotricity and their appointed noise consultants, to host back ground noise monitoring on my property during March April 2011.

For ease of reference, I have included in the main body of this letter the sequence of communications between myself, Ecotricity's Project Managers and their appointed wind turbine noise consultants, Hoare Lea.

I cooperated fully at that time on the understanding, confirmed in my email sent on 04 May 2011 @ 16:53 to Ecotricity's project Manager, that this was; 'on the basis that I'm provided copies of all photos taken or data obtained that will be used in the planning submission'.

My request was quite specific, in that I requested all the data.

Although I was provided with an extract of Hoare Lea's plotted noise data graph included in the submitted planning application by Hoare Lea, it latterly became apparent that all the data available at that time had not been forthcoming. I found it necessary to repeat my request by email dated 31st March 2016 and covering letter dated 30th March, addressed to both Hoare Lea and Ecotricity, stating;

'At the time a summary was provided but in accordance to my agreeing access to conduct the tests at the time, I require all data – as was agreed at the time'.

Hoare Lea responded on the 4th April 2016, declining to provide the data and referring me on to Ecotricity. This I duly did and as of today's date, Ecotricity have not responded at all and appear to have just ignored my legitimate requests for this data. (See copies of letters below)

This is extremely important and entirely relevant, as they have not only relied upon this data to analyse the ambient background noise conditions at my property at that time, but have also based

their variation noise impact assessment on this same data. There have been no further back ground noise surveys since 2011.

I responded to Hoare Lea on the 7th April 2016 stating:

'I am a little surprised that you appear to have significantly changed your company's stance since that time which followed good practice and I note that permission to conduct the tests on my property was only agreed to on the basis that I would be provided all data - you agreed to this as did Ecotricity at the time. This was also restated in the correspondence with Andrew Muir from Ecotricity at the time, which I have re-attached here below again'.

I also formally requested the data from both Ecotricity and Hoare Lea citing the IoA Good Practice Guide. Unfortunately Hoare Lea prevaricated and Ecotricity as previously stated have not responded at all as is clear from the communication chain below.

It is also of note that North Kesteven District Council's Planning Officer's Report to the full Planning Committee dated 30 January 2012, records the following comments:

NKDC Environmental Health

Have examined the above application and have the following comments in relation to:

1. Construction Noise 2. Shadow Flicker 3. Operational Noise

3. Operational Noise

Assessment and Rating of Noise from Wind Farms In the UK, current government planning policy identifies ETSU-R-97 - The Assessment and Rating of Noise from Wind Farms, The Working Group on Noise from Wind Farms, 1996 [ETSU-R-97], as the appropriate method of assessing wind farm noise in planning applications.

This method uses baseline noise measurements to derive a prevailing background noise level for day and night periods as it varies with wind speed. These measurements are then used to derive noise limits relative to existing background noise levels at the nearest noise sensitive properties to a proposed wind farm. Predicted noise levels from the proposed wind farm are then compared against the derived noise limits to determine if the proposed can be operated within those derived limits.

*Heckington Fen Wind Park Environmental Statement The Environmental Statement provided in support of the Heckington Fen Wind Park application includes an assessment of noise from the proposed wind farm. This assessment methodology **appears consistent** with the requirements of ETSU-R-97 and a recent Institute of Acoustics Bulletin Agreement, which provided additional recommendations relating to the ETSU-R-97 assessment procedure.*

Nevertheless, ETSU-R-97 remains the Government's preferred method for assessing wind farm noise. In the context of the Heckington Fen Wind Park proposal, the noise assessment considers three turbine options:

1. 22 x Enercon E82 turbines. 2. 21 x Nordex N90 turbines. 3. 18 x Vesta V90 turbines.

*All the above options are predicted to operate within the noise limits derived as part of the assessment. **However, the results for the 22 x Enercon E82 turbine option show noise***

emission levels very close to the noise assessments' derived limits at one location [Mill Green Farm]. Any preference should be given to the turbine option with the lowest overall predicted noise emission levels i.e. the 18 x Vesta V90 turbines option.

However, ETSU-R-97 states that prevailing background will need to be agreed with the local Environmental Health Officer [EHO] so that noise limits can be set, **but the Environmental Statement has not:**

- *Provided laboratory calibration certification, or last laboratory calibration dates [though there is no sign drift between measurements].*
- *Clearly stated the performance and specification of windshields used during the baseline measurements.*
- **Submitted any baseline field measurement data.**
- **Given any discussion / justification for the choice of type and order of best fit regression line to derive noise limits.**

We are not therefore in a position to assess the reliability of baseline measurements and therefore agree prevailing background noise levels, both of which form the basis of the assessment and the determination of site specific noise limits. However, as suggested by current planning guidance, planning conditions could be used to limit noise levels, and put in place a procedure to address any potential nuisance caused by noise once a complaint has been received, either by the applicant / operator directly, or by local authorities. Consideration should therefore be given to the following conditions:

It is apparent that these concerns were, as so often dealt with by the notion that any arising issues or complaints would be dealt with by 'imposing noise conditions', thus putting the onus on the Local Planning Authority in this case NKDC and any affected local resident to then to seek redress or remedy from Ecotricity, as the operator. This cause of action is now seen as causing significant distress and ongoing issues across the UK and in many other countries. Indeed you will be well aware of the significant issues developing regarding a belated acknowledgement of the complaints being caused by Amplitude Modulation, (AM) which has led the Government to commission a study and report which finally acknowledges that AM is partially the cause of complaints by affected residents.

Yet despite these concerns, the Inspector's report and recommendation to The Secretary of State, after considering any potential noise issues, which were not closely examined by any other Independent Professional Acousticians, came to his conclusion based on the information provided solely by Hoare Lea on behalf of Ecotricity.

In fact, the Inspector in his report states at Paragraph 287. 'Again the Council does not contest this matter. No formal oral evidence was heard at the inquiry but the applicant presented the expert witness in order for questions to be raised by concerned residents'.

This expert witness was a representative of Hoare Lea.

The Inspector then states at Para 288 'The predictions of noise immissions to the receptors around the site are such that it is expected that the noise limits recommended in ETSU-R-97 would be comfortably be met. I have no reason to doubt that'.

Dr Yelland in his Appraisal submitted to you and as a material matter before you questions this, and I along with the local communities likewise have **no reason to doubt** his forensic analysis of Hoare Lea's submitted Noise Impact assessment.

Furthermore, I have carefully considered Dr Cand's of Hoare Lea's response to Dr Yelland's Appraisal and note with considerable concern Dr Cand's attempting to undermine Dr Yelland's professional experience and expertise by stating of Dr Yelland, *'but he has to my knowledge limited or no experience of undertaking such surveys'*.

In fact I consider it is important to acknowledge Dr Yelland's interim published reply to this unfounded assertion by Dr Cand in full which is:

"Regrettably in Dr Cand's rebuttal, he attempts to portray Dr Yelland as inexperienced and incompetent, which one would not expect from anyone claiming to be an expert witness. The rebuttal suggests that Dr Yelland has "little or no experience"; Dr Cand should be aware that this is not true, as the present case is the fourth time Dr Yelland has challenged a Hoare Lea's NIA".

"The previous three cases were the Camp Hill Prison wind farm application (refused and not appealed), the Louth Canal Appeal (dismissed), and the Asserby wind farm application (refused and not appealed). Turbine noise was a serious concern in all three decisions. In the current decade Dr Yelland has assisted local residents in about 14 wind farm applications/appeals, all of which were subsequently refused/dismissed. "My 0% failure rate", he says, "is not due to clever advocacy, but to competence and integrity. I also decline cases where the developer's NIA honestly demonstrates compliance with planning regulations and guidance".

"Dr Yelland's full and detailed response to Ecotricity's rebuttal will conclude that he is confident that his Appraisal of the developer's NIAs remains substantive, measured and correct and should be considered by The Secretary of State as legitimate expert evidence needed to inform his decision".

Indeed it is as a consequence of the opening of this 3rd round of consultations along with Dr Cand's response on behalf of Ecotricity to Dr Yelland's Noise Impact Appraisal, that North Kesteven's Planning Officers issued a report and recommendation, which was considered by the members of their planning committee who unanimously set out their position to you, as contained in a consultation response letter dated 24th January 2017, from Andrew McDonough Head of Development, Economic and Cultural Services.

Stating:

'The Council remains concerned that there are two conflicting noise reports before the Secretary of State: one for the applicant, Ecotricity Group Ltd, and one for the campaign group, Heck Off'.

*'Bearing in mind the differing expert opinions and amended designs of the turbines, this Council would ask the Secretary of State to carefully consider noise issues as part of this variation request. We believe that with the differing expert opinions on noise impact, there is sufficient justification for the Secretary of State to seek an **independent review** of the noise impacts of the proposed development ahead of issuing your decision on the variation request. The issue of the robustness of the noise assessment and associated mitigation becomes a critical factor for the District Council as part of its statutory responsibility to enforce planning conditions, should you be mindful to issue consent for the Variation. In this respect we believe it is imperative that as decision taker the Secretary of State satisfy himself that no ambiguity exists'.*

*'Therefore, in light of the conflicting technical noise reports that exist, the District Council would strongly advise that the Secretary of State commission his own fully independent Noise Impact Assessment in order to have full regard to the likely noise impacts that the proposed revised development will have upon the residential amenity of nearby residents. The Council are of the view that the **verifiable independence of whoever is commissioned to conduct the Noise Impact Assessment and that all raw data is made available to all interested parties is essential.***

*The independent review **and the availability of the raw data to be publicly available is particularly important.** The Council would stress that the Secretary of State is the decision maker for the proposal has a duty to satisfy himself that full regard has been given to all the likely impacts that the development will result in, and then to carefully balance such considerations as part of the overall decision making process. The existence of competing technical noise impact reports suggests that that at this time, the Secretary of State is not in a position to make a robust planning decision on the merits of the revised proposal.*

It is clear that Ecotricity's non compliance with the IoAGPG and the lack of response to requests for access to the raw data is a serious issue, which now needs to be addressed, both for the existing data to be provided, along with all of the raw data from any new background noise surveys including all the recorded wind data and rain fall data as indicated by North Kesteven District Council.

I am also aware that a joint letter has been sent to your predecessor Amber Rudd signed by both of our local MP's Matt Warman & Stephen Phillips QC, also requesting that an independent noise impact assessment is now commissioned in the light of Dr Yelland's Appraisal.

In addition I have also considered Dr Cand's response in relation to the comments he makes relating to my property The Old Church:

'The monitoring location at The Old Church, on a patio area to the rear of the garden, was selected in consultation with the property owner as the typical part of the outdoor amenity space at the property which would be used for, for instance, sitting outside on summer evenings':

'As can be seen from photographs in Appendix 10.C of the ES (Figures C1 to C4), the monitoring position was situated on this patio area as far as practical from the trees on the south boundary of the property and the shrubbery on the west boundary of the property. Whilst the presence of mature trees around the property represent a source of increased noise levels at higher wind speeds, mature trees and hedgerows around property boundaries are a common feature of other residential properties in this area and therefore the sound of the wind in the trees is representative of typical ambient noise in this area. Dr Yelland's suggestion that quieter levels would have been experienced at another location appears speculative rather than based on specific evidence'.

It should be stated that the monitoring position was selected by the Hoare Lea representative, Jonathan Sims, there was categorically no discussion or suggestion that the monitoring position was chosen on the basis of it being a typical space for outdoor amenity.

The only 'consultation' that occurred in that discussion was my agreement to it being a practical location for the equipment rather than it being representative of any living/amenity consideration.

The location selected is not a 'patio' as Dr Cand has suggested, but a paved area within the lawn that was originally built for the purposes of conducting a wedding ceremony. The location is rarely used as an outdoor amenity and I can say categorically that I've never used the area to 'sit outside on a summer evening'.

The paved area is near to the second largest tree on the property, a pear tree at the edge of the paving, adjacent to the property's largest tree, a yew and is the furthest point from the building entrance.

I have not met nor spoken with Dr Cand, nor had any direct correspondence or dialogue with him at any time. Dr Cand has not visited the property at any time, at least not with my permission to do so, and I question his qualification in disputing Dr Yelland's suggestion that the monitoring position was inappropriate for the assessment.

Dr Yelland has visited the property and has personally inspected the location where the monitoring equipment was installed and has since explained, very clearly, the implications of the site that was selected.

Dr Cand's statement that 'Dr Yelland's suggestion that quieter levels would have been experienced at another location appears speculative' is bemusing and clearly unfounded given Dr Yelland's qualified expertise and the fact that he has indeed personally visited and surveyed the property.

Determining appropriate location for monitoring equipment, one can reasonably expect, would be a fundamental understanding of any qualified professional in the field in audio and acoustic monitoring and I question what 'specific evidence' would otherwise be required.

North Kesteven's Officer's report confirms that the Written Ministerial Statement of the 18th June 2015 is relevant and re affirms that there are outstanding objections:

*'The development site, like the whole of the District, is not specifically identified within the Local Plan as an area suitable for wind energy development and therefore the second element that of demonstrating that the planning impacts identified by local communities have been fully addressed, and therefore the proposal has their backing, is applicable. **At present there are outstanding objections to the proposal from the local community in relation to matters including noise impact.***

Given the present position and after careful consideration, I have had no reassurance from either Ecotricity or Hoare Lea throughout my contact with them that will be protected from adverse wind farm noise and that despite the Inspector recommendation to consent this wind farm that prior to Dr Yelland's Appraisal, I can have any confidence that Hoare Lea have submitted a compliant Noise Impact Assessment on which the consent was based.

I therefore have no alternative to object most strongly to the proposed variation application and ask for this to be refused.

Yours faithfully,

NOTE: These Documents have also been submitted to DECC within the accompanying Appendix B to Dr Yelland's Noise Impact Appraisal dated 6 June 2016.

Copy letter to Hoare Lea requesting BNS data. 30-03-16.

Hoare Lea Acoustics
Royal Exchange
Cross Street
Manchester
M2 7FL

30 March 2016

For the attention of: Mr Jonathan Sims, Acoustic Engineer.
cc Ecotricity Axiom House Station Road Stroud Gloucestershire GL3 3AP.

Subject : Request for background noise monitoring data recorded at the above address in respect of the developer Ecotricity, Section 36 National Infrastructure application to the Department of Energy & Climate Change & Consultee North Kesteven District Council: Ref No 09/1067/S36 dated 15th December 2009 for a wind turbine power station at Six Hundred Farm Six Hundred Drove East Heckington Lincolnshire.

Dear Jonathan,

It has been a while, I hope you're keeping well.

Further to tests conducted on my property, and to your letter dated 13 May 2011, which provided an explanation of aspects of the noise data analysis recorded at my property, I would now be grateful if you would forward to me as soon as possible, an electronic copy of all the raw wind, noise and rain data collected during this monitoring period.

At the time a summary was provided but in accordance to my agreeing access to conduct the tests at the time, I require all data – as was agreed at the time.

Kindly forward the information to email address Whytcross@mac.com

A copy of this letter has been forwarded to the developer Ecotricity for their attention and records.
Thank you once again for your kind assistance.
Cheers,

Covering email from Resident to Hoare Lea 31-03-16.

From: ,
Sent: 31 March 2016 09:14
To: Jonathan Sims <@hoarelea.com>
Cc: Robert Miller <@ecotricity.co.uk>
Subject: Re: Background Noise Monitoring Results - The Old Church

Dear Jon,

It has been a while, I hope you're keeping well.

I'm following up in relation to background noise monitoring data recorded at my property, in respect of the developer Ecotricity, Section 36 National Infrastructure application to the Department of Energy & Climate Change & Consultee North Kesteven District Council: Ref No 09/1067/S36 dated 15th December 2009 for a wind turbine power station at Six Hundred Farm Six Hundred Drove East Heckington Lincolnshire.

Further to tests conducted on my property, and to your letter dated 14 May 2011 (copied below) which provided an explanation of aspects of the noise data analysis recorded at my property, I would now be grateful if you would forward to me as soon as possible, an electronic copy of all the raw wind, noise and rain data collected during this monitoring period.

At the time, only a brief summary was provided but in accordance to my agreeing access to conduct the tests at the time, I require all data – as was agreed at the time.

Kindly forward the information to email address

A copy of this letter has been forwarded to the developer Ecotricity for their attention and records.

Thanks once again for your kind assistance.

Cheers,

Hoare Lea response to Resident request for BNS data 04-04-16.

From: Jonathan Sims <.....@hoarelealea.com>
Date: 4 April 2016 at 8:35:27 PM AEST
To:
Cc: Robert Miller <@ecotricity.co.uk>
Subject: RE: Background Noise Monitoring Results -

Dear Matt

Thank you for your email requesting the raw survey data relating to the Heckington Fen Wind Park that was recorded in 2011. I'm afraid that I'm not able to provide the data to you directly as Hoare Lea do not own the rights to this data. I would therefore recommend that you contact Ecotricity, who should be able to help.

I see that you have copied into your correspondence. I'm not sure if ... is still involved with this project, so if you haven't heard back from ..., you could also try contacting the Heckington Fen Wind Park project directly, at heckington-fen@ecotricity.co.uk.

Kind regards,

HOARE LEA
ACOUSTICS

Second Request for BNS data . 07-04-16.

From:
Subject: Second Request for Background Noise Monitoring Results Recorded at

Date: 7 April 2016 4:41:54 pm AEST
To: Jonathan Sims <.....@hoarelealea.com>
Cc: heckington-fen@ecotricity.co.uk,@ecotricity.co.uk

Dear Jonathan,

Thank you for your email in response to my request to receive all of the data recorded at my property, in preparation for the submission of Ecotricity's Noise Impact Assessment accompanying their planning application for the Heckington Fen wind farm during 2011.

I acknowledge your comment stating that Hoare Lea 'do not own the rights to the data', yet you have previously provided a summary of some of the data.

I am a little surprised that you appear to have significantly changed your company's stance since that time which followed *good practice* and I note that permission to conduct the tests on my property was only agreed to on the basis that I would be provided all data - you agreed to this as did Ecotricity at the time. This was also restated in the correspondence with Andrew Muir from Ecotricity at the time, which I have re-attached here below again.

I have copied this email also to Ecotricity and again formally request that either you provide the data as requested as soon as possible.

I also refer you (both your company and Ecotricity) to the IoA Good Practice Guide extract referred to in my letter to you which states;

2.2.8 When potential monitoring locations within a property's curtilage have been identified, access to install equipment has to be requested. Obtaining access for noise monitoring may be the first time residents hear about the development, therefore any requests for access should ideally be made by the land-owner or project representative and may be accompanied by written material describing the development and if necessary the noise monitoring process with a photo of a typical installation. This may include a note that the risks of theft/damage of the equipment are carried by the consultant/developer and not the householder. It is considered to be good practice to provide the noise and meteorological data available, to the resident upon request.

In accordance with what was agreed in granting you access to my property to conduct the tests, I look forward to receiving the data as requested.

Kind regards - I

Response from Hoare Lea to Second Request for BNS data. 07-04-16

From: Jonathan Sims <.....@hoarelea.com>

Subject: RE: Second Request for Background Noise Monitoring Results Recorded at

...

Date: 7 April 2016 6:54:09 pm AEST

To:

Cc: "heckington-fen@ecotricity.co.uk", ".....@ecotricity.co.uk"

Dear I

Thank you for your email. Just to clarify my previous email, Ecotricity gave us permission to provide you with the information that was contained within my letter to you of the 13th May 2011, and it was my understanding that the information provided in that letter included everything that you requested at that time, however I can see from your email received this morning that you don't feel that this is the case.

We don't currently have permission from Ecotricity to release the raw noise data to third parties, and the meteorological data was not gathered by Hoare Lea. Ecotricity will therefore need to give permission for the data to be released and provide the meteorological data that you have requested.

I have passed on your request to Ecotricity, however as I'm sure you appreciate, the survey was carried out some time ago now and in the intervening period there have been some staff changes at Ecotricity (for instance, I believe Andrew Muir no longer works there), so I need to find out who the best person to deal with this is. I can see that you have also copied your email to the Heckington Fen project email address, so hopefully someone from Ecotricity will also contact you directly.

Hopefully the above makes sense, and I will be back in contact with you when I hear from Ecotricity.
Kind regards,

HOARE LEA
ACOUSTICS

Email from Resident to Ecotricity re access agreed to

1. 04-05-11.

From: I

Sent: 04 May 2011 16:53

To: Andrew Muir

Cc:@btconnect.com

Subject: East Heckington Turbine Project: Access to Property -

Hi Andrew,

I own the property ' which is to the East of Ecotricity's proposed wind turbine site on Maryland Bank.

I was given your details by your colleague David Bishop just now after he approached me requesting permission for access to my property in order to take photographs in relation to the project. David explained that you're heading up the planning for project so I thought I should touch base.

I've granted David access to the property today on the basis **that I'm provided copies of all photos taken or data obtained that will be used in the planning submission.** David explained that he has gained your approval on that before any photos have been taken. Please note my details below and provide hi res copies of photos/images that will be used by Ecotricity including any manipulated versions developed or adapted from the images taken today.

I also recently spoke with your colleague Robert Miller in relation to provision of access for a noise survey conducted by Hoare Lea Acoustics on behalf of Ecotricity. It was also agreed that in exchange for allowing the survey to be conducted on my property, any data obtained by Hoare Lea would be provided to me which I look forward to receiving when available.

As demonstrated here, I am willing to co-operate with Ecotricity, within reason, in allowing access to my property on a case by case basis and on the basis that I will be provided full copies of all or any data, information, images etc obtained and that it be provided prior to being used in any submissions or proposals by Ecotricity.

Such permission will be reasonably granted on a case by case basis only. As we have now established contact and you have my contact details in full, I would appreciate being contacted at least 48 hours in advance by email or phone to discuss any future visit rather than having your people turn up at my door or entering the property unannounced. In future, if an advance request has not been made I will not permit access to the property.

As requested to Robert some weeks ago, please ensure I am included in all communications from Ecotricity, be it by email or post, in relation to the project.

I'd appreciate you confirming the likely timeframe I can expect to receive images taken today that will likely be used by Ecotricity.

With thanks,

Email from Resident to Hoare Lea confirming agreed BNS data release. 12-04-11.

From:

Sent: 12 April 2011 11:14

To: Jonathan Sims Hoare Lea

Subject:

Hi Jon,

Missed your call yesterday but gather you'll be by the property today to retrieve the equipment.

Wanted to say thanks for putting Robert Miller in touch last week - we had a brief chat by phone and he said he will be happy to provide copies of the data generated from the monitoring system being on site at my property.

It would be great if you can let me know when you expect those details will be available and make necessary arrangements for them to be forwarded.

Many thanks,

END

For the URGENT attention of :
 C/O Keith Welford Case Manager
 National Infrastructure Consents
 Department Business Energy & Industrial Strategy (DBEIS)
 3 Whitehall Place
 LONDON SW1A 2AW

28th January 2017

DBEIS Contact email: beiseip@dbeis.gov.uk

RE: Ecotricity Heckington Fen Wind Farm Variation of Consent ref: 4038P019901.

3rd round of consultations.

Dear Sir,

Further to my letter to you dated 16th April 2017, which I have sent again for your consideration, along with the additional comments I now wish to make regarding Dr M Cand's response to Dr Yelland's report, which mentions the back ground noise monitoring carried out on my property , back in March -April 2011.

I am concerned that in the response from Dr Cand, he only refers to statements made by Dr Yelland and makes no mention of my letter and any of the attached photos, that were sent to you as well as being included in the accompanying Heck Off submissions Appendix A & B.

This makes me wonder whether any of these documents were passed on to Ecotricity by yourselves and if they were, it seems that this important information was simply disregarded by Ecotricity and Dr M Cand.

For your information I have copied Dr Cand's relevant comments from his report below:

Glebe Farm

Dr Yelland relates the resident's contention that they were two sets of monitoring equipment installed at Glebe Farm during the monitoring period. I can confirm that only one set of monitoring equipment was installed by Hoare Lea at Glebe Farm, and this was installed at the location described in Appendix C of the ES. If a second set of noise monitoring equipment was installed at Glebe Farm, this wasn't installed by Hoare Lea, we were not aware of this monitoring and we do not have access to any data other than that reported in the ES. We are aware that the monitoring equipment was moved by the resident during the survey, and this may be the source of the confusion. We were advised by the resident that the equipment was moved a matter of a few meters, to the opposite side of the fence (shown in Figure C18 of Appendix 10.C of the ES), in preparation for livestock being brought into the paddock in which the monitoring equipment was originally located. It was this location from which the meter was retrieved from at the completion of the survey. If the monitoring equipment was moved by the resident to any other location during the survey, we were not made aware of this nor was there any reasonable reason to expect this.

I would like to state that this information is simply not true.

I asked Hoare Lea to move their equipment during their 1st visit to install their equipment, not because of livestock. I needed to have this moved, as I was preparing to site the large caravan shown in both the Google map and the photos sent to you. I not was even aware that Hoare Lea had taken any photos of their equipment on my property during this visit, before they then moved this to the location marked A on the Google map and which is also shown in the photos already sent to you by me and included in Heck Off's Appendix A.

I repeat, I did not move the monitoring equipment, it is simply astonishing that Hoare Lea have stated this, I have no experience of any noise monitoring equipment and would not even know how to do this, yet alone to then check it see if it was still working properly.

I also repeat, 2 sets of monitoring equipment were installed by Hoare Lea as shown on the Google map at locations A & B.

Dr Cand also states:

"Dr Yelland then expresses concern about the proximity of hedgerows to the monitoring location at Glebe Farm. As can be seen from the installation photographs contained within Appendix C.10 of the ES for the development (specifically Figures C17 to C20), there were no hedgerows present in the relative vicinity of the monitoring position at Glebe Farm, either before or after the location move".

This statement is also simply not true, again the photos I supplied of the monitoring location where Hoare Lea then resited their equipment, clearly show how close they positioned this to hedgerows and the paddock boundary fence.

I stand by my previous comments made in my letter and am happy to repeat these if there is to be a public inquiry.

Yours Sincerely