



HECKINGTON FEN WIND TURBINE ACTION GROUP
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For Personal Attention of:
Rt Hon Greg Clark MP
Secretary of State for Business, Energy and Industrial Strategy
Energy Infrastructure Planning
1 Victoria Street
LONDON
SW1H 0ET

Ref: 15/0416/S36 Land at Six Hundred Farm, Six Hundred Drive East Heckington

4th July 2018.

Dear Secretary of State,

Ecotricity Heckington Fen Wind Farm Variation of Consent Reference 4038P019901.

Following our letter to you dated 18th April 2018, it is with considerable concern that we wish to yet again draw to your personal attention to the ongoing matter of the above Variation Application submitted by Ecotricity in February 2015, which was legitimately considered to be due for final determination on, or prior to, the expiry date by which implementation of all planning conditions imposed by Inspector Phillip Major, when granting development consent, i.e., 8th February 2018, was to have been completed.

It was therefore deemed to be the case, that the developer's failure to meet and comply with all planning conditions by this date, i.e., 5 years from the date of the original consent, (8th February 2013), would as a matter of course, result in the development consent lapsing along with the Variation of Consent application.

As the local communities and the Local Planning Authority - North Kesteven District Council, (NKDC), had received no communications from your Department advising of the outcome of the Variation Application prior to the deadline of 8th February 2018, the District Council, Parish Council's and Heck Off on behalf of all the affected local communities, sought up to date information from your Department, only to be advised in responses by your Minister, The RT Hon Claire Perry MP, that (despite that fact that our final submission was sent to your Department on 26th June 2017) - "*no decision had been taken, and, "on the 2nd February 2018, (merely 5 working days before the expiry date of consent,) "Ecotricity had submitted a 2nd Variation Application seeking to extend the date by which the development must commence from five to ten years (i.e., to 8 February 2023.)"*

The Minister, also in responses advised of two subsequent dates by which the developer was required to submit further environmental information in support of their 2nd Variation Application, namely 23rd March 2018, and latterly in other responses to Dr Caroline Johnson MP, NKDC Parish Councils and Heck Off, that this date had been extended to 11th May 2018.

We are also been informed that NKDC have sent another letter written to your Minister, dated 25th May 2018, seeking an update on the time table for the decision on whether or not the Variation is to be considered and raising concerns that the transitional regulations relied upon in this case actually permit a variation to extend the lifetime of the original consent.

Furthermore they raise the question as to whether the lawfulness of the Variation Application is being scrutinised by your departmental officials.

Heck Off likewise respectfully seek clarity on the following matters directly from yourself.

1. Please provide the back ground to and reasons why has no decision been taken regarding the Variation Application submitted in February 2015.

The local communities are appreciative that there have been 3 rounds of consultations, but NKDC and Heck Off submitted our evidence and rebuttal in response to Ecotricity's submission in June - July 2016, questioning Dr J Yelland's forensic Wind Turbine Noise Appraisal which found significant flaws in the Variation Noise Impact Assessment and as a direct consequence of this, raised serious questions as to the soundness of the original wind turbine noise impact assessment on which the wind turbine noise conditions were derived.

to the above ongoing request for variation of an Electricity Act consent formerly a matter with your predecessor at DECC.

Briefly, notwithstanding objections from North Kesteven District Council and local communities, planning consent was issued on 8th February 2013, for the construction and operation of 22 wind turbines at 125metres high to blade tip, following a Public Inquiry. This planning consent is subject to a planning condition which specifies the construction and operations of this development is to commence within 5 years, by 8th February 2018.

Ecotricity Group Ltd submitted a Variation Application in February 2015 which has to date, been the subject of three rounds of consultation.

Concerned local communities formed "Heck Off," with the support and involvement of local Parish Councils early in 2016, to challenge this variation application, as Ecotricity were seen just to be "playing for time", by seeking to change the Radar Mitigation Scheme, (RMS) Planning Condition to enable them to commence construction, without satisfying the planning condition requirement, that **no development is to commence** until the RMS is resolved, and likewise significant concerns were raised that their proposed increase in wind turbines rotor diameters would fundamentally increase and alter wind turbine noise immissions and consequently adversely impact on affected local residents.

To this end, "Heck Off" commissioned Dr J Yelland, to assess whether Ecotricity's variation application had adequately assessed noise impacts arising from an increase to the turbine's rotor diameter dimensions and what he found was quite shocking.

Dr Yelland's independent, professional forensic appraisal of Ecotricity's noise impact assessment on which the variation application relied, revealed that the original noise impact assessment on which the wind farm had been consented was fundamentally flawed, so much so, there remain serious questions surrounding the original planning consent, gained potentially on the back of flawed environmental noise impact assessments and even more so, concerning the variation wind turbine noise impact assessment, which forms an integral part of the suite of Environmental Assessments on which any potential consent is to be conditioned.

As there is no forthcoming confirmation that Ecotricity have complied with these conditions to date, it therefore appears that Heckington Fen wind farm is effectively a failed, timed out project.

Heckoff has never been satisfied that the Public Inquiry in 2012 paid sufficient attention to residents' concerns and believes that the Written Ministerial Statement clearly requires that:-

'Planning impacts identified by local communities are to be fully addressed to ensure that the proposal has their backing.'

It is clear that the time limit for the implementation of the original consent and the determination of Ecotricity's subsequent variation application expired on 8th February 2018.

However significant concerns remain, that no formal announcement has been made by DBEIS, confirming that Ecotricity's Heckington Fen Wind Farm planning consent, has indeed expired.

We respectfully request that you would issue a written statement to our local communities that they can be assured that no further action will be taken on the expired Heckington Fen Wind Farm consent, nor of the subsequent Variation Application.

We look forward to hearing from you shortly.

Yours sincerely,

M P Head
Chairman, Heck Off.