


23 March 2018

**Our Ref: 4038\_P0235\_02**

  
Department for Business, Energy & Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Dear ,

**S. 36C of the Electricity Act 1989 and S. 90(2ZA) of the Town and Country Planning Act 1990.**  
**Application to vary S. 36 consent and deemed permission for the Heckington Fen Wind Park,**  
**Heckington Fen, near East Heckington.**

Pursuant to section 36C of the Electricity Act 1989 (**the 1989 Act**) and section 90(2ZA) of the Town and Country Planning Act 1990 (**the 1990 Act**), Ecotricity (Next Generation) Ltd (**the applicant**), is seeking a variation of consent granted under section 36 of the 1989 Act (**the existing consent**), and a variation of the accompanying section 90 direction for deemed planning permission (**the existing deemed permission**).

**Variation Application of 2 February 2018**

Following our application on 2 February 2018, the Department for Business, Energy & Industrial Strategy (**DBEIS**) responded by letter dated 23 February 2018 to inform the Applicant that the Secretary of State concluded that the variation application did not currently meet the requirements of Regulation 4 of the Electricity Generating Stations (Variations of Consents) (England and Wales) Regulations 2013.

DBEIS has sought clarification on the detail of the environmental information already submitted as part of the application, and queried what information is being relied on by the applicant.

In particular, DBEIS referred the Applicant to The Electricity Works (Environmental Impact Assessment)(England and Wales) Regulations 2017 (“the 2017 EIA Regulations) and the requirements of the 2017 EIA Regulations which should be included in the EIA Report, where not already provided as part of the environmental information already submitted.

Despite the variation application proposed consisting only of a change in timescale rather than the physical characteristics of the consented development, the applicant acknowledges that an addendum to the 2011 Environmental Statement (now referred to as an Environmental Report as stipulated by the 2017 EIA Regulations) is appropriate as part of the variation application.

The applicant confirms that the 2011 Environmental Statement forms part of the variation application. The applicant is proposing the following information to be included within an addendum to support the original 2011 Environmental Statement:

- A review of the baseline studies carried out for the original Environmental Statement, and those included in the 2015 Environmental Statement Addendum (submitted as part of the application to vary the consent in February 2015) where these are relevant to this Variation Application, in order to consider *“the main respects in which the developer thinks that the likely significant effects on the environment of the development as varied, will differ from those set out in any environmental statement prepared in connection with the application for the section 36 consent” (Reg 17 (1)(e))*. This will include an update to all relevant assessments, insofar as is relevant to the 2017 EIA Regulations and *“taking into account current knowledge and methods of assessment” (Reg 17 (3))*, to understand whether there are any changes that could lead to a likely significant effect.
- *“A statement outlining the relevant expertise or qualifications of the experts” (Reg 17 (5)(b))*
- Consideration of Additional Matters including biodiversity, climate, land and human health, vulnerability of the project to major accidents or disasters. Only where significant effects are likely, and where not already included in the original Environmental Statement, will these be considered.

The applicant proposes that the Addendum is submitted to DBEIS by **23 June 2018** to allow sufficient time to collate the above information and to prepare any additional assessment work required.

### Variation Application of 6 February 2015

In its letter of 23 February 2018, DBEIS requested the applicant’s views on the existing Variation Application (that of 6 February 2018) and the proposed order of determination.

The applicant is open-minded on timings and procedure, however given no decision has been forthcoming on the Variation Application of 6 February 2015 to date, the applicant considers that this Variation Application should now be put on hold until such time as this more recent Variation Application (that of 2 February 2018) is determined.

The applicant requests that DBEIS consider the above and provide an indication as to whether the timescale proposed for the additional information is acceptable. Should you require any additional information please contact the undersigned.

Yours sincerely,



**Senior Project Manager**