

FAO Mr Keith Welford  
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23<sup>rd</sup> May 2017

By Email Only : [keith.welford@decc.gsi.gov.uk](mailto:keith.welford@decc.gsi.gov.uk)

Dear Mr Welford,

**Heckington Fen Onshore Wind Farm**  
**Application under section 36C to Vary the Existing s.36 Consent for the**  
**Heckington Fen Wind Farm ('the Variation Application')**

Following the publication of Additional Information on the Variation Application, pursuant to The Electricity Works (Environmental Impact Assessment)(England and Wales) Regulations 2000 (as amended) Regulation 14A, a number of representations have been received by the Department of Business, Energy & Industrial Strategy (BEIS).

Ecotricity, the applicant, has considered all those representations forwarded to it by BEIS and has the following comments to make in respect of the representations received. It should be noted that Ecotricity is not intending to make any further substantive comments on the representations made nor to provide any additional information with regards to the Variation Application.

**Noise**

In the interests of constructively working towards a conclusion to the Variation Application, the applicant is not intending to provide further comment to Dr Yelland's rebuttal. Neither does the applicant feel it is necessary to do so. The background noise survey was thoroughly assessed and examined during the Public Inquiry for the consented application. The Inspector stated that the "locations selected for background noise monitoring as set out in the Environmental Statement are appropriate and representative" (para. 106), and this was agreed with North Kesteven District Council during the inquiry. Dr Cand's previous response explained in detail why the survey and the assessment undertaken were in fact consistent with current good practice in response to the concerns raised by Dr Yelland.

At paragraph 30 of Dr Yelland's rebuttal statement he concedes that the variation proposal can, if required, be made compliant by curtailment of the output power of some of the turbines. The Variation Application considers three candidate turbines, two of which are predicted to be compliant

with the consented noise limits (as set out in Condition 24 of the Original Consent) without curtailment. The third model (Siemens SWT-101) predicts a slight excess at one location which would be made compliant with very minor curtailment.

Given the nature of onshore wind developments, it is common practice for developers to consider candidate turbines at the planning application stage. What is important is that noise limits are applied to any consent that will enforce compliance with the ETSU-R-97 limits at neighbouring dwellings in practice. For clarity, Ecotricity is **not seeking** to amend the already consented noise limits or the wording of Condition 24 of the Section 90 Deemed Planning Permission. Robust evidence supporting the Variation Application, also consistent with current good practice, demonstrated that compliance with these limits was achievable with a number of different turbine models.

As stated above, the applicant is not seeking to amend the agreed noise conditions in any way. The Variation Application seeks specific changes to the already consented scheme, but this should not then provide for the existing consent to be re-examined. This is consistent with the BEIS (then the Department of Energy & Climate Change) letter of 19 January 2016 to respondents to the initial consultation which states: *“Please note that we [BEIS] are seeking comments on the Variation Application rather than on the existing section 36 consent.”*

It is a matter for BEIS, if they consider it necessary, to apply an additional condition to address the potential for ‘excessive amplitude modulation’ and the applicant offers no further comment on this.

### **Radar Mitigation Scheme**

In their letter dated 20<sup>th</sup> May 2015 to DECC, the Ministry of Defence state: *“In respect of the variation proposed to Condition 5, it should be noted the MOD has commenced discussions with Ecotricity (Next Generation) Limited regarding radar mitigation and it is understood that all parties are in agreement regarding the requirement for mitigation. It is on this basis that the MOD has no objection to the proposed variation to Condition 5.”* The MoD has not altered their stance of no objection to the proposed variation of Condition 5.

As previously stated (in Ecotricity’s letter of 18 October 2016), Ecotricity acknowledge that conceptually there is a potential risk of components of the development associated with the wind park scheme being left as stranded kit should development have commenced and a radar mitigation solution not be forthcoming. A reinstatement condition could be applied to any consent for the Variation Application should BEIS consider it necessary to do so.

### **Criticism of Consultation on Variation Application**

Some respondents raised concerns that the consultation process for the Variation Application was unsatisfactorily carried out by the Applicant. Ecotricity can confirm that the consultation process complied with the regulations as set out under Regulation 3 of the Electricity Generating Stations

(Variation of Consents) (England and Wales) Regulations 2013.<sup>1</sup> Regulation 14A of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (as amended).

### **Miscellaneous**

- The applicant did receive the Amber Hill Parish Council's further representation letter dated 15 July 2016 and refer to this in Appendix 7 of Ecotricity's letter of 18 October 2016. This further representation was considered as part of the applicant's response of 18 October 2016.
- The applicant referred to the background noise locations in the Annex to the Noise Statement (Appendix 3) of Ecotricity's letter of 18 October 2016.

Ecotricity is not seeking to make any further representations on the Variation application. We look forward to BEIS bringing this Variation Application to a decision as soon as possible in the interests of all parties.

Yours sincerely



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<sup>1</sup> The Additional Information made available to the Secretary of State on 18 October 2016 also complied with Regulation 14A of the Electricity Works (Environmental Impact Assessment)(England and Wales) Regulations 2000 (as amended)