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North Kesteven District Council

Our ref: AM/SAL/15/0416/536
Contact: Andrew McDonough
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Keith Welford
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Energy Infrastructure Planning
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24th January 2017

Dear Mr Welford

RE: HECKINGTON FEN ONSHORE WIND FARM – REQUEST FOR VARIATION OF ELECTRICITY ACT CONSENT

I refer to the above on-going request for variation of an Electricity Act consent first consulted upon in 2015, subject to further consultation in early 2016 and the further (third) period for formal consultation which ends on 31 January 2017.

In our statutory consultee role, this Council has not objected to either earlier consultation relating to the variation of the consent in June 2015 and more recently in February last year. We have nevertheless emphasised in both of our responses that there is the need for careful consideration of the variation request. In all our correspondence we have highlighted the concerns of the Parish Councils and local residents over the proposed wind farm development.

We also wrote to the Secretary of State for Business, Energy and Industrial Strategy on 21 July 2016 when the matter transferred to his newly formed Department from DECC. Indeed, our correspondence was prompted by first sight of the report commissioned by the campaign group, Heck Off, which calls in to question the original Noise Impact Assessment within the Environmental Statement submitted in July 2010.

The current consultation was reported to the Council's Eastgate Planning Sub-Committee on 17 January and Officers have been authorised to make the following comments on the noise issue and also to re-state earlier comments regarding condition 5.

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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. The Council would say, without prejudice to either party, there must still be a degree of doubt over the potential noise impacts of the development given the opposing expert opinions provided. Whilst there is no specific proposal before you as part of this variation request relating to the noise condition imposed, in our view noise impact is nevertheless material to your decision owing to the fact that the amended turbines proposed in the variation request will each have a different noise profile due to their different design, engineering, height and sweep of the blades to those originally proposed.

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.

In addition, Members wished to restate their concerns from June 2015 regarding the variation proposed to condition 5 of the relevant consent in February 2013. During their debate on this matter Members expressed some significant concerns about the proposed rewording of Condition 5 allowing, amongst other elements,

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construction of various ground works and access tracks to commence before the agreement of a Radar Mitigation Scheme (RMS). This concern related to the extent of works that could be undertaken in advance of the RMS such that in the event should a RMS prove incapable of agreement and thereby no turbines could be installed, there could, conceivably be extensive abortive works on the ground. Naturally in this event the land would be blighted unnecessarily. At the time no objection was raised but the point of issue behind the debate is valid such that it could be reasonable that any updated consent with this condition as proposed should have a requirement or condition to enable restoration of the land should works proceed at risk of the RMS not being agreed.

The comments in response by Ecotricity that only works to agricultural access tracks was anticipated did not reassure the Council; indeed, if the extent of the applicants intentions is as limited as suggested, the variation they seek exceeds what is reasonably required. Moreover the Council would remind the Secretary of State that in the event that the condition is varied to reduce the burden upon the developer to secure an approved RMS before any works commence, a lawful implementation of the consent through works to an agricultural access road will in effect secure the consent and will potentially leave residents with years of uncertainty over the development pending the approval of the RMS. Such uncertainty could act to blight the amenity that local residents might reasonably expect to enjoy from their properties.

The Council would ask that the Secretary of State have due regard to these matters in his further consideration of this variation.

Yours sincerely

Andrew McDonough
Head of Development, Economic and Cultural Services

