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Mr K Welford  
Department of Energy & Climate Change  
3 Whitehall Place  
LONDON  
SW1A 2AW

10 February 2015

Dear Mr Welford

### **15/0416/S36 – Heckington Fen Onshore Wind Farm**

I refer to your letter dated 19 January 2016 inviting the further comments of this Council. I note that you seek our views on how the concerns raised in the first consultation as summarised in your letter have been addressed.

In terms of context, you will of course be aware of this Council's strong opposition to the windfarm proposal when it was first presented as a Section 36 Application back in December 2010, and with Members resolving to raise an objection to the Secretary of State based on visual amenity, character and landscape grounds in February 2012. The landscape impact would be particularly harmful having regard to the location of the site in a sensitive part of the Lincolnshire Fens. The Inspectors decision not to support the Councils arguments came as something of a disappointment, not just for elected Members but also for a number of local Parish Councils and residents of the rural community who objected at the time, and continue to oppose the development. My Members continue to monitor the progression of the proposal with interest, particularly in light of the Ministerial Statement and recent policy developments.

Specifically in relation to the matter of the variation of conditions, the Council has been careful to ensure that it applies the correct approach to their consideration, whilst at the same time acknowledging the importance of the background and context referred to above. You will recall from the Councils' earlier correspondence on 11 June 2015, that despite the fact that the Council opposed the initial S.36 application on landscape and amenity grounds, bearing in mind the Inspector's decision in 2012, the Council, after a detailed debate, resolved to raise no objections to the amended proposals. For this reason and to enable the decision-taker to understand the concerns, our correspondence did go on to highlight the issues fully debated by Members to set the context to their decision.

On landscape and visual impact, Members noted the overall height of the turbines would remain unchanged at 125 metres to blade tip in the amended scheme but that there would be an increase in the sweep of the larger blades. Members expressed their continued strong reservations about the visual impact of the proposed turbines on the local landscape but

came to a view that set against the Inspector's decision a different conclusion was unlikely and therefore no objection was raised.

Since we did not formally object on landscape grounds there are no grounds to anticipate that the applicant would need to seek to address any issues directly with the Council. However, we acknowledge that nearby residents and local Parish Councils continue to express their own individual concerns about the landscape and visual impact of the proposed development and we would expect the Secretary of State to carefully consider whether these concerns have been addressed such that the proposal could be considered to have their backing as set out in the Ministerial Statement of 18 June 2015.

In terms of the proposed revised condition 5, whilst no formal objection was raised, given the extent of the potential abortive works enabled by the revised draft condition should the Radar Mitigation Scheme (RMS) be incapable of delivery, the Council highlighted the need for provisions relating to restoration of the land in such circumstances. Notwithstanding the absence of a formal objection we did express our reservations over the operation of the condition as proposed to permit arguably extensive works to be undertaken in advance of final approval of the RMS.

As a matter of fact, we have not been contacted by the applicant pursuant to these concerns and how they might revise the condition or otherwise to address the points we raised. We therefore remain concerned that the condition could lead to the unnecessary blight of the local rural landscape and that, if the condition is to be revised, it should be more restrictive than currently proposed allowing only a more specific programme of works ahead of the RMS being concluded. Furthermore, any revised condition should also require a commitment to restoration of such works if the RMS cannot be successfully concluded.

I am mindful that the Ministerial Statement and the National Planning Policy Guidance (as subsequently revised) normally leaves the judgement as to whether the proposal has the backing of the affected local community with the relevant local planning authority (LPA). This case is not, however, a planning application which is to be determined by the Council and the role of the LPA as the decision-taker inevitably falls to be exercised by the Secretary of State in this instance. The Council would urge the Secretary of State to take on board all representations made by the local community and have regard to their strength of feeling and opposition to the scheme.

I trust these comments are helpful.

Yours sincerely



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The Rt Hon Greg Clark MP  
Secretary of State for Business, Energy and  
Industrial Strategy  
House of Commons  
LONDON  
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21 July 2016

Dear Mr Clarke

**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 formerly a matter with your predecessor at DECC.

Briefly, notwithstanding objections from North Kesteven District Council and others, a consent was first issued for the construction of 22 125 metre high turbines on 8 February 2013 following a Public Inquiry. The consent is subject to a requirement to commence in 5 years. Last year, a variation request was submitted by Ecotricity Group Ltd and has to date been the subject of two rounds of consultation.

In our statutory consultee role, this Council has not objected to either consultation in June last year and more recently in February this year. We have nevertheless emphasised in both of our responses that there is the need for careful consideration of the variation request, especially that relating to the original condition 5 and the need for a Radar Mitigation Scheme to be first agreed before development commences. For your convenience our representations are attached.

As highlighted in our correspondence we did draw your predecessor's attention to the concerns of the Parish Councils and local residents over the proposed windfarm development. You will no doubt be aware that as part of their submissions the local Parish Council and communities, under the name "Heck Off", have funded a noise report that calls in to question the original Noise Impact Assessment within the Environmental Statement submitted in July 2010. This means that you now have two conflicting noise reports before you; one for the applicant, Ecotricity Group Ltd, and one for the opposition group, Heck Off.

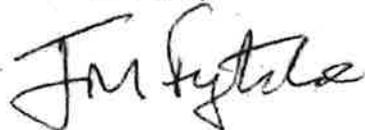
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Without prejudice to either party, there must be a degree of doubt over the potential noise impacts of the development given the opposing expert opinions provided. You will appreciate that whilst there is no proposal before you as part of this variation 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 you to carefully consider noise issues as part of this variation request. We believe that with the differing expert opinions before you on noise impact, there is sufficient justification for you 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. So in this respect we believe it is imperative that you satisfy yourself that no ambiguity exists.

I would welcome confirmation of your intentions regarding this request so that I can share with Ward Councillors, Parish Councils and the local communities they represent.

Yours sincerely



Ian Fytche  
Chief Executive

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