

1 February 2018

Our Ref: 4038_P0233_01


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

Dear Sirs,

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).

The existing consent is for a wind energy development comprising the erection of up to twenty two wind turbines, each with a maximum overall height of up to 125m together with access tracks, crane pad areas, electricity sub-station, temporary construction compound and amended vehicular access on agricultural land.

In accordance with section 36C(1) of the 1989 Act, the applicant is the person for the time being entitled to the benefit of the section 36 consent and therefore may make the application to the Department for Business, Energy & Industrial Strategy (DBEIS) for the consent to be varied.

The application is made in accordance with the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 ('the 2013 Regulations').

In accordance with regulations 3(2)(a) and 3(2)(b) of the 2013 Regulations, copies of the existing consent and existing deemed permission form part of the application documentation.

Relevant Plans

Pursuant to Regulation 3(1)(b) and Regulation 3(3)(a) of the 2013 Regulations, the location of the development to be granted by the varied consent and varied deemed permission (together known as 'the proposed development') is located at Six Hundred Farm, Six Hundred Drove, East Heckington, Lincolnshire (the 'development site'), as shown edged blue in the enclosed Location Plan (ref: 4038_A0085_03).

This Site Edged Red Plan is the approved plan for the existing consent. No changes are proposed to this plan or any of the physical dimensions of the consented development.

Variation proposed to the existing consent

The application to vary the existing consent consists only of the following change in timescale:

- Amend the wording of Condition 4 to extend the date before which the development shall be commenced from 5 years to 10 years.

In accordance with Regulation 3(1)(d)(i) of the 2013 Regulations, a draft of the above proposed variations to be made to the existing consent has been included as part of the application documentation (**the varied consent**) (**Appendix A**).

Variation proposed to the existing deemed permission

Accordingly, the application to vary the existing deemed permission consists only of the following change in timescale:

- Amend the wording of Condition 8 (2) to extend the date before which the development shall be commenced from 5 years to 10 years.

In accordance with Regulation 3(3)(c)(i) of the 2013 Regulations, a draft of the proposed direction has been included as part of the application documentation (**the varied deemed permission**) (**Appendix A**).

Reasons for variations to the proposed development (Reg. 3(1)(c)(i) and Reg. 3(3)(b)(i) of the 2013 Regulations)

The proposed variation to Condition 4 of the existing consent and Condition 8 (2) of the deemed permission are necessary for two reasons:

- The implementation of the original consent is conditional (Condition 5) on a Radar Mitigation Scheme (RMS) being agreed with the Ministry of Defence (MOD). To date, despite best endeavours, the Applicant has not yet been able to agree an RMS with the MOD and therefore has been unable to commence the development. However, progress is being made and a Radar Position Statement will be provided shortly (subject to approval from various involved parties, including the MOD) which will set out details of both the work undertaken since consent was granted in 2013 and the ongoing mitigation strategy which is aiming to deliver a solution within a 3-5 year timeframe.
- A decision on the original Variation of Consent Application, submitted on 6th February 2015, has not been forthcoming. The existing Variation of Consent Application proposed that the wording of Condition 5 was amended to allow for an RMS to be agreed prior to the installation of the turbines, as opposed to prior to commencement of the development, thereby allowing development to commence while discussions continued with the MOD. In a letter of 20th May 2015, the Ministry of Defence confirmed that it had no objection to this proposed variation to Condition 5 (**Appendix B**). As a decision has not yet been made on the original Variation of Consent Application, the Applicant is currently unable to commence development within the specified timescale set out under Condition 4 of the Consent.

Third party views on the proposed development (Reg. 3(1)(c)(ii) and Reg. 3(3)(b)(ii) of the 2013 Regulations)

Given that no changes are proposed under this Variation to the original red line development i.e. the locations, dimensions and details of all infrastructure elements proposed remains unchanged from the plans approved in 2013, no third party or statutory consultees' views have been sought on the proposed amendment to Condition 4 (and Condition 8(2)) that forms this Variation Application. Discussions have

been ongoing with the Ministry of Defence however, and these will be outlined in the Radar Position Statement.

Requirement for an Environmental Statement (Reg. 3(4) of the 2013 Regulations and Regulation 4 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000)

The original consent was subject to an environmental impact assessment, the detail of which was set out in the original Environmental Statement dated 20 July 2011, and Further Environmental Information Landscape Clarification, dated December 2011. A copy of these documents form part of the application documents.

Given no changes are proposed to the original red line development (nor any of the infrastructure components of the scheme) of the current consent, no further environmental information is submitted. There would be no changes associated with the construction or operation of the consented development, only the timescale to which the development should commence.

This letter sets out the relevant information in support of the variation request, including:

- Appendix A: Draft Amended Section 36 & Section 90 Direction Consent
- Appendix B: Ministry of Defence Letter dated 20th May 2015
- Site Edged Red Plan (4038_A0085_03)

The Radar Position Statement will follow in due course.

In addition, the Environmental Statement referenced in the current Section 36 consent and supporting information have been provided by CD.

We trust this letter and attachments provides the necessary information to enable variation of Condition 4 of the Section 36 Consent for the Heckington Fen Wind Park project. Should you require any additional information please contact the undersigned.

Yours sincerely,


Senior Project Manager