

## Welsh Government's Planning Decision Ruled Unlawful By The Courts

05/02/2013

Anglesey residents who said a planning inspector's decision to allow wind turbines to be built near to an area of outstanding natural beauty was 'ill-considered' have welcomed a High Court judgment which ruled that the decision was 'unlawful.'

Campaigners turned to planning and environmental law experts at Irwin Mitchell and Anthony Crean QC to help after the Welsh Government's planning inspector approved plans to build two wind turbines, almost 40 metres in height, in the Welsh hamlet of Llandyfrydog in close proximity to local homes, six listed buildings and less than a kilometre from an Area of Outstanding Natural Beauty (AONB), which is well known for its wildlife and beautiful landscape.

His Honour Judge Andrew Keyser QC, sitting at the High Court in Wrexham, said the planning inspector had not followed the correct procedures, which would have seen the case referred to Welsh ministers for a 'screening direction' on whether there should be an Environmental Impact Assessment (EIA) to consider how it would affect local people, the environment and wildlife.

Victoria Gregory, and other campaigners including the campaign group Anglesey Against Wind Turbines, fought hard to prevent the development after hearing about plans to build the power generators just 400-metres from her home in Llandyfrydog. She said the Isle of Anglesey County Council 'failed on every level' to consider how the turbines would affect local people, the environment and wildlife.

Speaking after judgement was given at the High Court this week Irwin Mitchell's Justin Neal said: "Mrs Gregory and her neighbours are extremely pleased with the outcome of the case given their concerns about this development."

The development had been given the go ahead to proceed by the Planning Inspector on 25 October 2012.

Justin added: "We all agree that green energy resources like wind turbines are incredibly important given the current threat of climate change and the need to protect our environment for the future but it doesn't mean inspectors or local planning authorities should push applications like this through without proper scrutiny.

"We hope that this case will demonstrate the importance of following the right procedures before granting planning permission so local people like Victoria are spared the upset and concern about major developments which may affect their quality of life.

"Where proper processes and procedures are complied with there is an opportunity for such developments to be considered but local authorities need to ensure they are not detrimental to the local community and environment."

Victoria Gregory, 50, who lives in Llandyfrydog and works for a charity as a project co-ordinator throughout North Wales, said she is delighted the High Court has quashed the inspector's decision.

The mum of two teenagers said: "Everyone involved in the campaign group is absolutely delighted that the High Court has quashed the inspector's decision to allow this development of wind turbines in Llandyfrydog. The strength of feeling we've have about this project and others on Anglesey has been clear from the beginning with more than 8,000 people signing a petition opposing such projects during the council's recent consultation.

"I feel so strongly that these commercial, on-shore wind turbines should not be built in this location because the noise they would generate would be seriously detrimental to my family's health and other local residents and they would ruin our historical, natural landscape.

"I am so grateful to the team at Irwin Mitchell who have helped support me in this campaign and of course to Anthony Crean QC who represented me at the trial.

"This decision is not the end of the campaign however as the developers may continue to progress their plans. But we should now have the opportunity to put our views forward if there is an inquiry and to show that wind turbines so close to family homes, as in Llandyfrydog, are not welcome."