



Anglesey Against Wind Turbines

Maes Mawr - costs awarded to protester

In a landmark decision, the High Court has awarded costs against Anglesey County Council resulting from their handling of a planning decision.

Here's the story:

1. On November the 7th 2012, Anglesey county council's planning committee voted in favour (4 votes to 3) of a planning application for a 34.2 metre industrial wind turbine at Maes Mawr, the applicant being a county councillor (Councillor Tom Jones and former member of the Planning Committee). It was felt on the day, that the manner in which the voting was conducted was unlawful.
2. Letters of complaint were submitted to the planning department, the council solicitors and the chief executive of the council. The complaints were summarily dismissed.
 - a. A further letter was submitted to the Welsh Assembly Ombudsman complaining about the council who took no action.
3. Legal proceedings against the council concerning their voting procedures, the fact that the Environmental Impact Assessment (EIA) was unlawful and also the fact that the committee, and planning officers had ignored the minimum distance between wind turbines and dwellings as set out in the recently ratified SPG.
4. The council defended its decision by saying that the judicial review was premature because a Decision Notice had not been released, claiming costs against the complainant. Once the planning committee have come to a decision on a planning application, they are required to release a Decision Notice which makes it official. A judicial review needs to be initiated within 3 months of the date of a decision, and by holding back the Decision Notice the council sought to prevent redress in court.
5. A week before the court hearing in Cardiff on the 10th of June the council declared that it was re-considering the planning application a result of the guidance in the new SPG (see Point 3) The planning officer once again recommended that the planning application be permitted, thereby ignoring the SPG.
 - a. The application was re-considered by the newly elected planning committee members and unanimously rejected.
6. Concurrently, the applicant applied to the Welsh Assembly Inspectorate for non-determination by Anglesey council.
7. It was finally decided that the application should be refused, thereby resulting in the protester achieving his original aim.

In the High Court, the Judge determined that the claimant accomplished what he initially set out to achieve concerning the judicial review of the decision taken by the committee.

The council have now been ordered to pay 50% of the claimant's costs.