

Case Name: *Campaign for the Protection of Rural Wales (Brecon & Radnor Branch) v The Welsh Ministers* [2019] EWHC 621 (Admin) (18 March 2019)

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Commentary: Permission was refused for a statutory review, pursuant to s.288 of the Town and Country Planning Act 1990, of a decision of the Welsh Ministers to allow an appeal against the refusal of Powys County Council to grant planning permission for a wind turbine development in Llandegley, Powys.

The grounds for the statutory review put forward by the Claimant (the Campaign for the Protection of Rural Wales) was that the Welsh Minister's ("WM") decision to allow the appeal and grant planning permission for the development proposal made by Hendy Wind Farm Limited was unlawful as the WM misconstrued or misinterpreted the phrase "exceptional circumstances" in para 6.5.5 of the Planning Policy Wales ("PPW") (which stated that "it will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument") and the decision that exceptional circumstances existed was irrational. Further, the Claimant asserted that the WM failed to provide adequate reasons for the decision.

Sir Wyn Williams decided a permission hearing was necessary to consider whether these grounds were arguable in the sense that they give rise to a realistic prospect of a successful review and issued a written judgement which held as follows:

- a) the WM did not misinterpret para 6.5.5 of PPW, she understood the need to identify exceptional circumstances and found that such circumstances existed (mainly the renewable energy benefits). There is no basis for categorising the WM's decision as irrational.
- b) the WM identified the main issues upon which her decision was based and it is concluded that the WM provided appropriate reasons and the informed reader would understand the basis upon which she had reached her decision.

Case summary prepared by Town Legal LLP