

CYNGOR SIR POWYS COUNTY COUNCIL

County Council

7th March 2019

REPORT AUTHOR: County Councillor Martin Weale, Portfolio Holder for Economy and Planning

SUBJECT: Question from Iain Aitken

Powys Council has astonished and dismayed the public across Wales by repeated refusals to enforce against the Hendy Wind Farm despite multiple contraventions against planning law. In brief:

- The developer has breached Condition 2 by not adhering to permitted plans: construction compound and track to Turbine 5 lie wholly outside the site red line;**
 - The developer has introduced a new element, a hardstanding area on the N E corner of the common, but no application for planning or Commons Act consent has been submitted. Development Management must be very well aware that some form of 'restricted works' on the common are essential to permit delivery of turbine parts to the site;**
 - The developer has breached Condition 49 by starting construction without the required Commons Act consent;**
 - The developer has in fact almost completed the installation of a turbine before a single one of the conditions precedent has been discharged.**
- The public have repeatedly been told that it has been judged 'expedient' not to enforce.**

Please could the Portfolio Holder for Economy and Planning, currently Cllr Martin Weale, set out precisely what criteria have been considered in assessing the 'expediency' of enforcement against this developer?

Response

Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations.

The 'development plan' and 'any other material considerations' are the main criteria used by the Investigating Officer for the Hendy wind farm development to assess the expediency of taking enforcement action. In this instance Planning Officers have taken into account considerations such as the information submitted by the applicant to discharge relevant conditions, consultee responses, such as those received from Natural Resources Wales and public representations, when assessing expediency.