

# Alleston Solar Farm, Pembrokeshire

## Secondary Consent Application – Stopping Up and Diversion of Highways (S.247 Town and Country Planning Act 1990)

Reference Number: 1.0.5

October 2024





**ALLESTON SOLAR FARM**  
Statement of Secondary Consents

August 2024

Prepared for:  
Alleston Clean Energy Limited

Prepared by:  
Cerys Hulbert

Project Number:  
333100437

## Alleston Solar Farm, Pembroke

<b>Revision</b>	<b>Description</b>	<b>Author</b>	<b>Date</b>	<b>Quality Check</b>	<b>Date</b>	<b>Independent Review</b>	<b>Date</b>
-	Statement of Secondary Consents	CH	10/06/2024	GW	02.08.24	CBD	06.08.24



## Alleston Solar Farm, Pembroke

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Prepared by: CHulbert  
Signature

Cerys Hulbert  
Printed Name

Reviewed by: JBarrow  
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Julie Barrow  
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Approved by: GWilson  
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Gareth Wilson  
Printed Name



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# 1 INTRODUCTION

- 1.1 This Statement of Secondary Consents has been prepared by Stantec UK Ltd on behalf of Alleston Clean Energy Limited ('the Applicant') in support of its application (DNS [INSERT REF]) for permission for a Development of National Significance (DNS) at Land at Alleston Farm, Lower Lamphey Road, Lamphey, Pembrokeshire, under S.62D of the Town and Country Planning Act 1990 (as amended). The Applicant is seeking approval for:

*“Ground mounted photovoltaic solar farm together with associated equipment, infrastructure and ancillary works”.*

- 1.2 Article 12(1)(b)(ix) of The Developments of National Significance (Procedure)(Wales) Order 2016 requires that applications for a DNS include a written statement about secondary consents connected with the proposed application in respect of which the Applicant considers a decision is to be made or should be made by the Welsh Ministers.

- 1.3 The Applicant is asking Welsh Ministers to consider a Secondary Consent alongside the DNS application. The Secondary Consent being sought is under S.247(1) of the Town and Country Planning Act 1990 (order authorising stopping up or diversion of highway). Information relating to the consent is set out below.



## 2 S.247 of the Town and Country Planning Act 1990

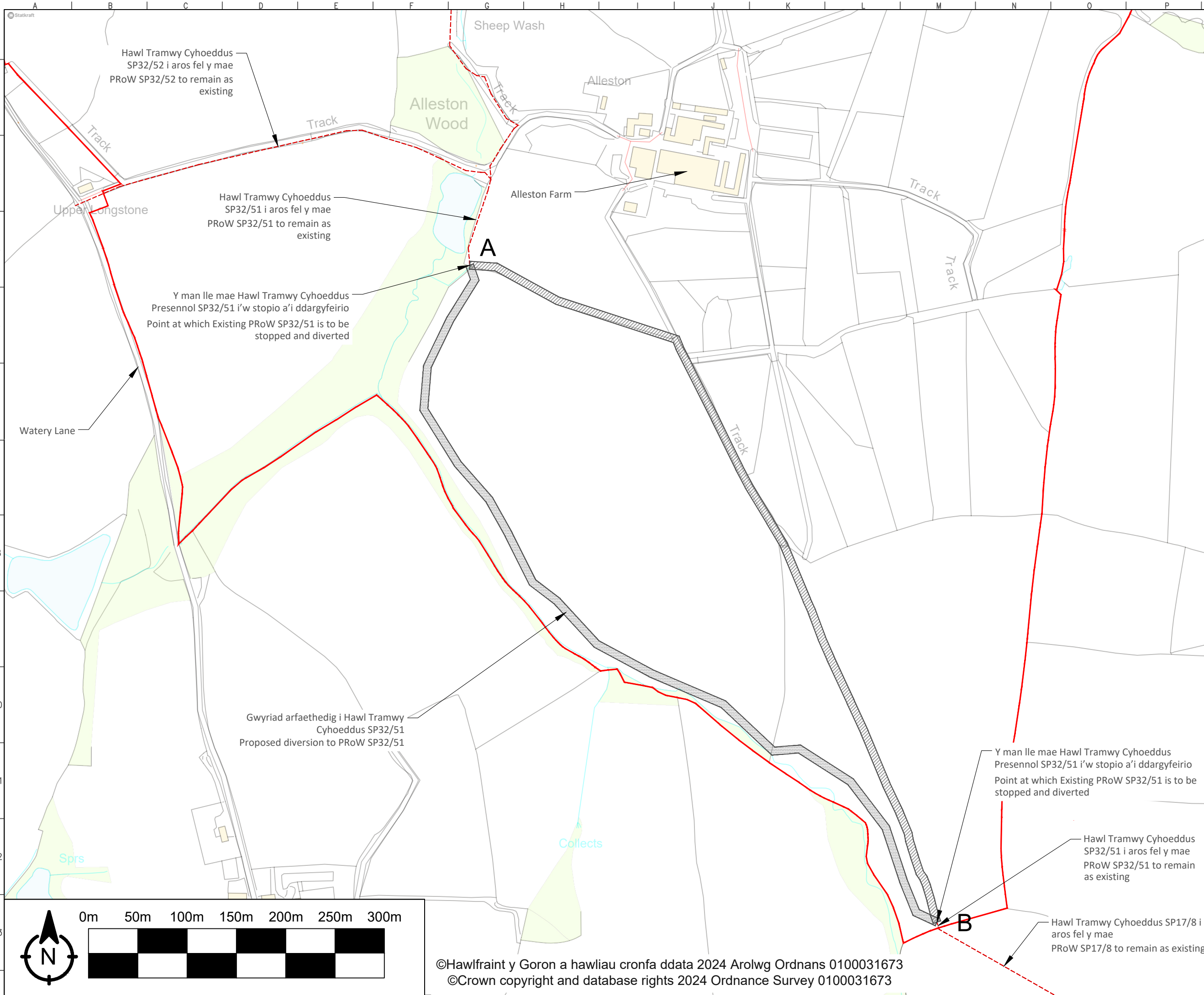
- 2.1 There are two Public Rights of Way (PRoW) which cross and meet in the centre of the application site. The first PRoW (SP32/52) runs along the western boundary of the Site and is accessible via Watery Lane. This PRoW connects to a bridleway (SP32/68) which borders the west of the Site and runs in a north-south direction on Watery Lane. No changes are proposed to either the footpath (SP32/52) or the bridleway (SP32/68).
- 2.2 The second PRoW (SP32/51) intersects the Site in a north-south direction from the northern part of the Site to the southern boundary. Part of this footpath is proposed to be diverted as part of the Secondary Consent. The current PRoW (SP32/51) goes through the middle of the proposed solar farm and its associated infrastructure and thus requires a minor diversion.
- 2.3 Whilst one of the guiding principles of the proposed development is to retain and enhance existing PRoW where possible within the Site, it has not been possible to do so in all cases. It is therefore proposed to stop up a section of PRoW SP32/51 and provide a suitable diversion route. The proposed diversion route is considered to be an improvement from the existing route. The new route would mirror the field boundary, closely following a bank of mature trees where the current route crosses fields and passes along a farm track which at time could present a potential conflict between farm traffic and walkers. Plans showing the existing footpath and proposed revised route for the PRoW can be found at Appendix A and B.
- 2.4 By diverting the PRoW as proposed, it enables the more efficient use of the Site to deliver the proposed development safely, whilst simultaneously formalising the improved and more logical route for continued enjoyment by local walkers. Overall the diversion results in a path that it is more suitable and would provide a better experience for users for the route. During consultation, the proposed diversion of the PRoW SP32/51 was well received and supported by the general public at public exhibitions in November 2023, as captured in the consultation report'.
- 2.5 The S.247 application is accompanied by the requisite form, plans and draft Order. Pre-application discussions will be undertaken with the Rights of Way Officers at Pembrokeshire County Council.



## Appendix A PROW Diversion - Plans







**CHWEDL**

- Ffin y Safle
- Llwybr troed presennol heb ei effeithio gan Dargyfeirio
- Llwybr troed presennol SP32/51 yr effeithir arnynt gan ddargyfeirio (881m)
- Gwyrriad arfaethedig i'r llwybr troed SP32/51 (925m)

A cyfesurynnau: 51.6631N, -4.8894E  
 B cyfesurynnau: 51.6572N, -4.8822E

**CYNNIG YN UNIG**

**LEGEND**

- Site Boundary
- Existing footpath unaffected by diversion
- Existing footpath SP32/51 affected by diversion (881m)
- Proposed diversion to footpath SP32/51 (925m)

A coordinates: 51.6631N, -4.8894E  
 B coordinates: 51.6572N, -4.8822E

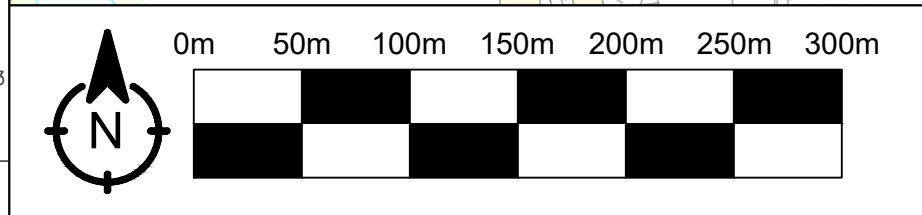
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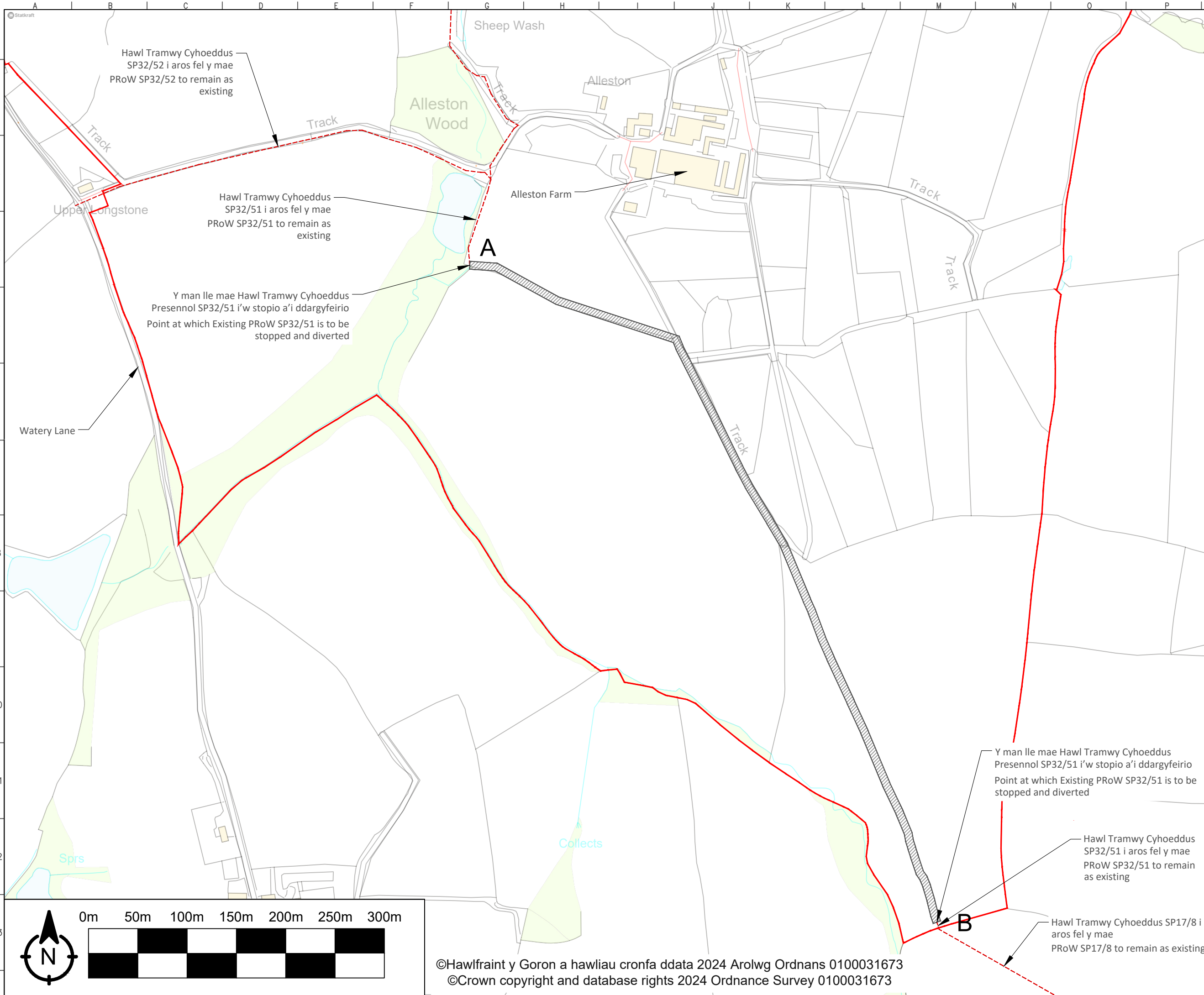
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Map gwyrriad Hawliau Tramwy Cyhoeddus - PROW Route SP32/51	GRADDFA	1:3500 A3
SKUKX-ALLES-000-ADD-001C	LLEN	1 o 3
Public Right of Way Diversion Map - PROW Route SP32/51	SCALE	1:3500 A3
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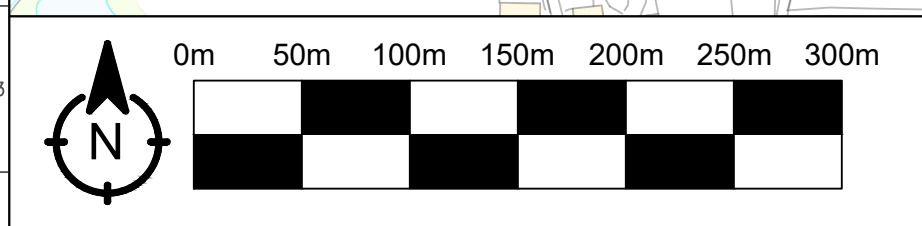
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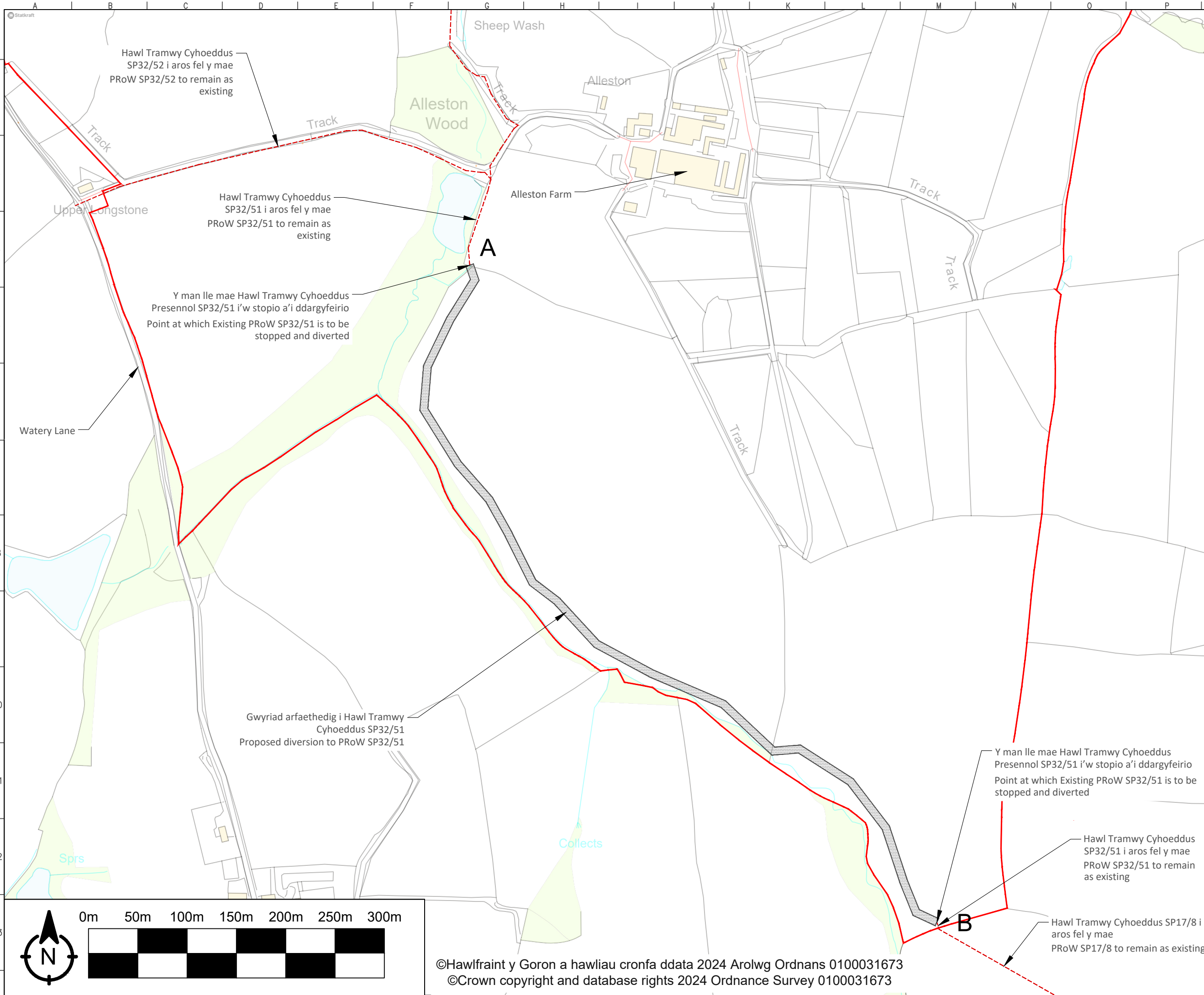
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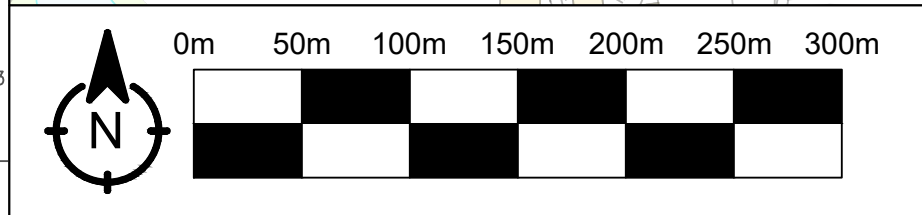
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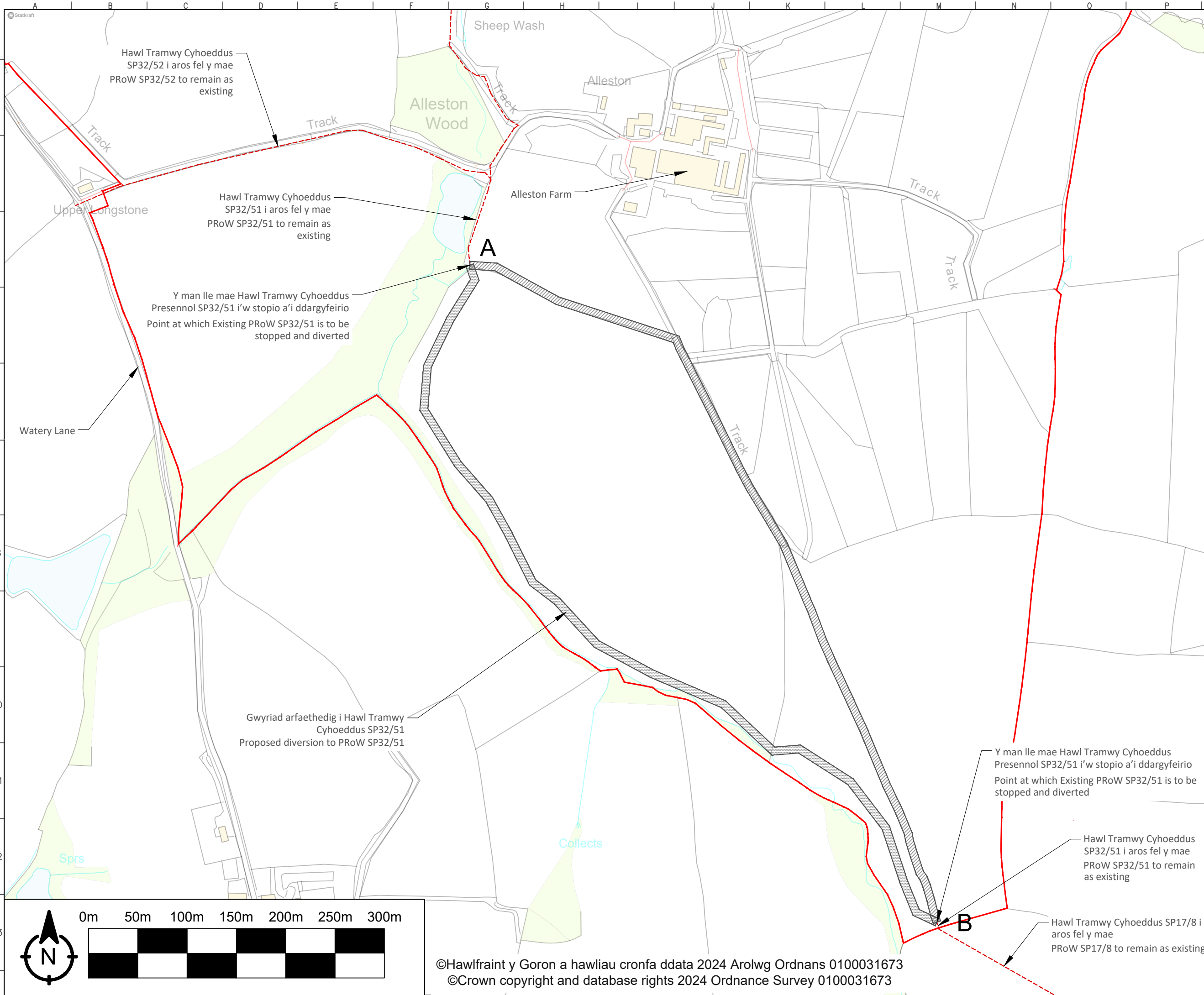
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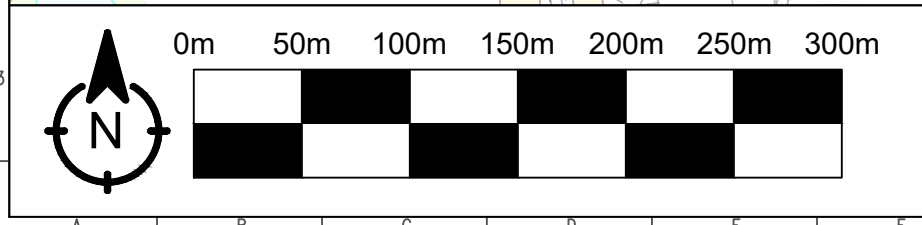
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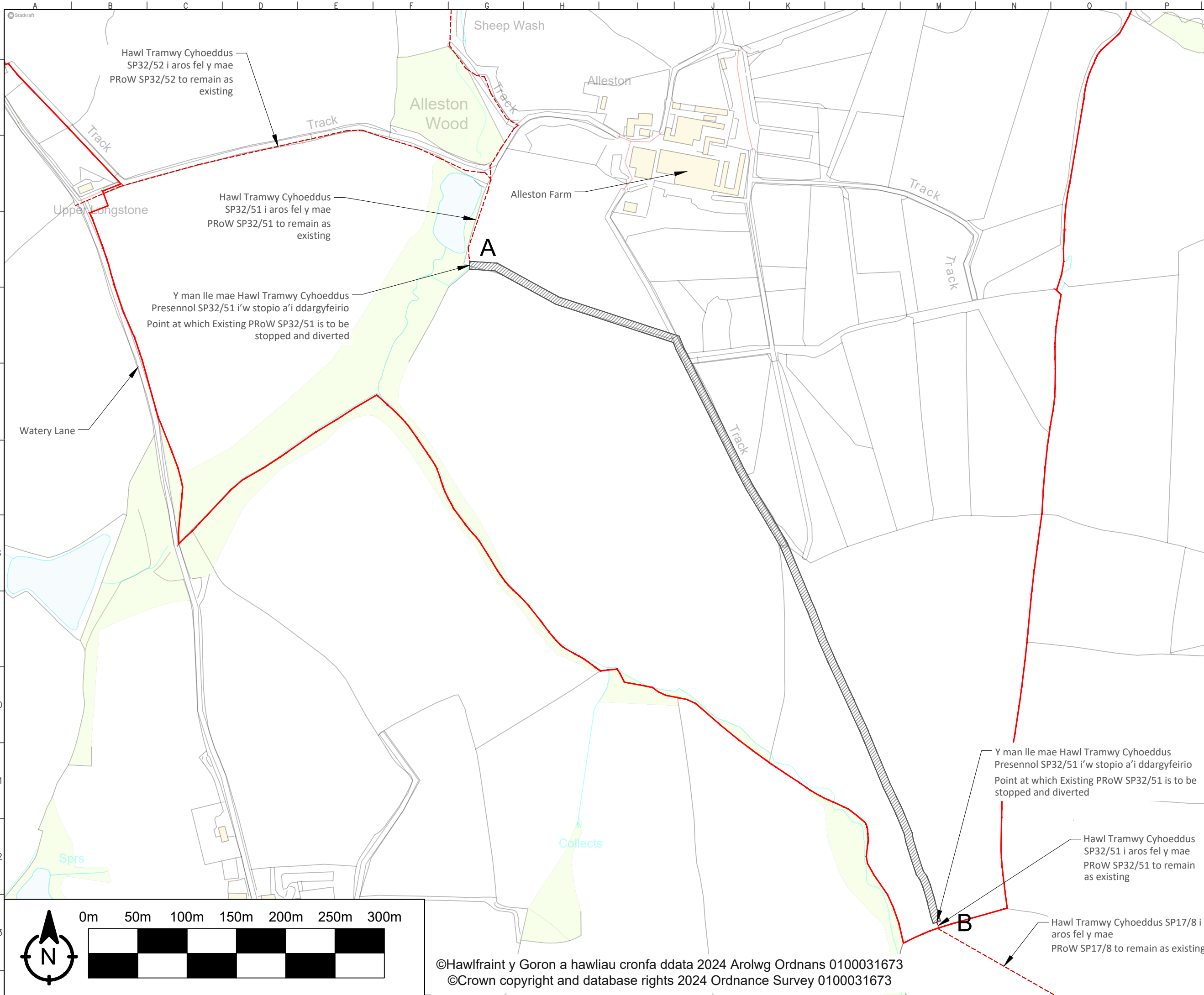
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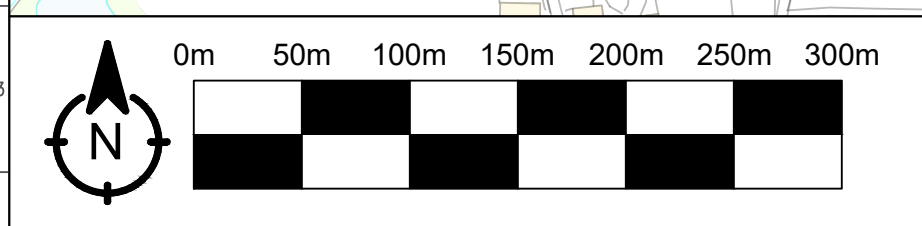
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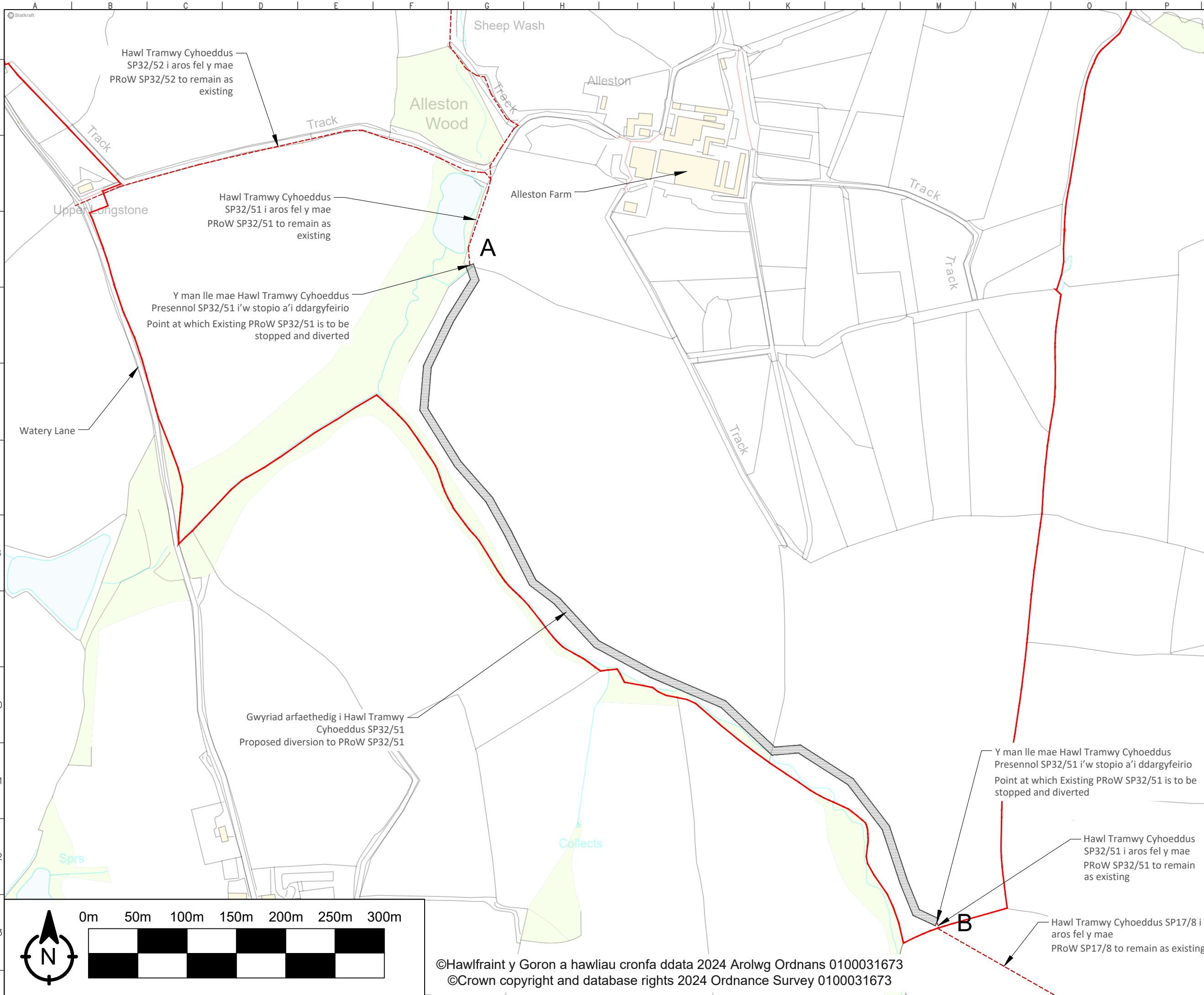
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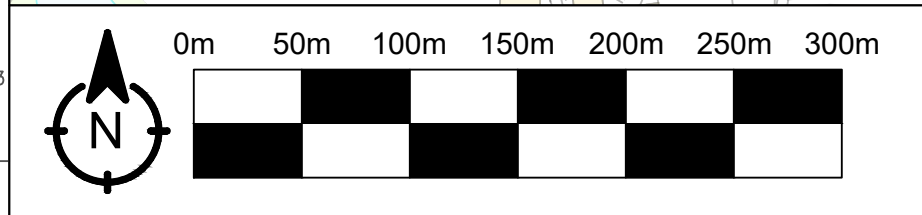
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Llywodraeth Cymru  
Welsh Government

## Stopping Up and Diversion of Highways Section 247 of the Town and Country Planning Act 1990

### Important

- You have no authority to stop up or divert a highway until the notice announcing that the Welsh Ministers have made an Order is published. Not only is it an offence to obstruct or interfere with a highway before this is done, but it may also make it impossible for the Welsh Ministers to make an Order.
- Please read the guidance notes at the end of this form before answering any questions.
- Please ensure all the necessary enclosures accompany this form (see guidance note)

### A - Names and Addresses

Please give:

the address of the place where  
the highway(s) is/are situated

Land at Alleston Farm, Lower Lamphey Road, Lamphey, Pembrokeshire

the name, address  
and telephone number  
of the Council Planning Department  
for the highway(s) concerned

Pembrokeshire County Council
County Hall
Haverfordwest
Postcode      SA61 1TP      Telephone: 01437 764551

the name, address  
and telephone number  
of the Council Highways Department  
if different from above

Postcode:      Telephone:

*(Named contact also, if available)*

the name of the Community  
or Town Council and  
the address of its Clerk  
(if none, put 'none')

Pembroke Town Council, The Town Hall Main Street Pembroke SA71 4JS
Postcode:      SA71 4JS      Telephone:

the developer's full name,  
address and telephone number

Alleston Clean Energy Limited (on behalf of Statkraft UK Limited)
19th floor, 22 Bishopsgate, London
Postcode: EC2N 4BQ      Telephone: C/O Agent

the applicant's full name, address, postcode  
and telephone number if not the developer


the agent's full name, address  
and telephone number  
(if none, put 'none')

Mr Gareth Wilson
Studio 117, The Creative Quarter, 8a Morgan Arcade, Cardiff
Postcode: CF10 1AF      Telephone: 07825 411305

the names of two local newspapers and  
the days on which they are published

Local: Pontypridd & Llantrisant Observer (Weekly -Thursday). Tafod Elai (Monthly). Regional: Western Mail (Monday to Saturday), The South Wales Argus (daily)
--

a contact name, address and telephone number of a local  
public office where the public may inspect the Order and  
deposited plan free of charge

Matt Cloud, Pembrokeshire County Council, County Hall, Haverfordwest, Pembrokeshire, SA61 1TP.
Telephone: 01437 764551

*(The office would usually be expected to be open during  
normal business hours. Prior agreement with the Office  
should be sought)*

Matt.Cloud@pembrokeshire.gov.uk/
----------------------------------

**B - The Development**

Describe briefly the development, which necessitates the proposed stopping up, or diversion. You should also attach a statement justifying this stopping up or diversion, either as an appendix or as a covering letter.

Ground mounted photovoltaic solar farm together with associated equipment, infrastructure and ancillary works. The current PRow (SP32/51) goes through the middle of the proposed solar farm and its associated infrastructure. It is more suitable and would provide a better experience for users of the route, for the path to be re-routed around the edge of the solar arrays.

● Who granted planning permission for this development?

● What is the date of this permission?

● On what date is work on the development expected to start?

● Is there a related compulsory purchase Order, or other statutory action? Yes  No   
 If 'Yes', please give details.


**C - Highway to be stopped up or diverted**

● Is it:  
 all purpose highway  bridleway  footpath  or cycle track   
 (including footways and verges)

● What is its name?   
 and classification number? (if any)

● Description of each section

	(Maximum if appropriate)		Area in square metres if irregular in shape	Terminal points	
	Length (metres)	Width (metres)		From	To
1	870	Approx.. 1m	n/a	See appended plan	See appended plan
2					
3					
4					

● Who owns the land on either side of each section?

1	Mr J Thomas and Mrs S Thomas, Alleston Farm, Lower Lamphey Road, Pembroke SA71 5NJ
2	
3	
4	



**D - Consents**

- Please confirm in writing that the consent of every person having an interest in the land to be developed whether adjoining or under the highway to be stopped up necessary to enable the development to be carried out has been obtained. If 'Yes', please attach these consents.

If 'No', please attach any consents received and give particulars below of those that you have yet to obtain.

● Yes
●
●

(Continue on a separate sheet)

**WARNING** – IF THERE IS NO EVIDENCE TO THE CONTRARY, THEN IT IS PRESUMED THAT THE OWNERS OF THE ADJOINING LAND OWN THE SUB-SOIL OF THE HIGHWAY, UP TO THE CENTRE LINE. THE MAKING OF AN ORDER MAY BE DELAYED OR FRUSTRATED IF YOU FAIL TO OBTAIN CONSENT FROM THE OWNER OF THE SUB-SOIL. EVEN IF AN ORDER IS MADE A DEVELOPMENT MAY BE FRUSTRATED IF CONSENT HAS BEEN WITHHELD.

**E - New highway to be provided (if any)**

- Will it be:  
 all purpose highway       bridleway       footpath       or cycle track

- Has the highway authority been asked to accept responsibility for maintaining the new highway?      Yes       No

If 'Yes', please attach copies of any correspondence.

- Who owns the land to be dedicated as new highway? The current freeholder of the land

- If the applicant will not own or control the land to be dedicated, has the landowner's consent been given to the proposed dedication?      Yes       No

- Describe highway to be provided and give approximate measurements (maximum length and maximum width)

Footpath SP32/51 diverted footpath to the west of the existing route from [E:200733 / N:199307] to
[E:20027 / N:199981] measuring approximately 925 metres long and approximately 1.8 metres wide.

**F - Highway to be improved (if any)**

● Is it: all purpose highway  bridleway  footpath  or cycle track

● What is its name?

and classification number? (if any)

● Description of highway(s) to be improved including terminal points and approximate measurements (maximum length and maximum width).


**G - Applying in anticipation of planning permission in accordance with Section 253 of the Act**

**(Normally only applicable to Local Authority or Statutory Undertakers unless (D) or (E) applies)**

● If you are applying in anticipation of planning permission, then please state:

(A) the name of the local authority or statutory undertaker which is applying

(B) the date on which it applied

or (C) the date on which the local authority or statutory undertaker applied to a government department for deemed planning permission under section 90 of the Act or section 2 of the Opencast Coal Act 1958

or (D) the date on which the application was referred to the Welsh Government under section 77 of the Act

or (E) the date on which an appeal was made to the Welsh Government under Section 78 of the Act

## H - Undertaking and declaration

- I declare that:

I understand that authority to stop up or divert a highway is conferred solely by the publication of a notice announcing that an Order has been made:

Except to the extent authorised by or under some other statutory provision, the highway(s) to be stopped up or diverted is/are in no way obstructed and is/are fully available for use.

- I undertake that:

Except to the extent authorised as above, such highway(s) shall in no way be obstructed before the Order comes into operation.

- All the information given in this form is, to the best of my knowledge and belief, true and accurate.

- I apply for an Order to authorise the stopping up or diversion of the highway(s) described above.

Signed	GWILSON
Name	Gareth Wilson
Position	Director
Date	06.08.2024

DRAFT

**Please check that you have enclosed everything specified in the guide then send your application to:**

**Orders Branch  
Transport  
Welsh Government  
Cathays Park  
Cardiff CF10 3NQ**

**Or by email to:**

[TransportOrdersBranch@gov.wales](mailto:TransportOrdersBranch@gov.wales)

**Failure to submit all necessary documentation will result in your application being delayed. Your attention is drawn to the guidance notes within this application form.**

**Check List – Items to be submitted with the application (please 4 to check enclosures)**

- Approved planning permission – (Order cannot be made without it)
- One** set of the plans approved by the above planning permission, including the approved site layout plan.
- One** copy of existing ground floor plan indicating the approved site boundary edged red and the existing highway boundary within the approved site edged blue.
- One** copy of existing highway layout taken from an up to date Ordnance Survey map scale 1/1250 or 1/500 as appropriate.
- Four** copies of proposed Order plan, showing the highway to be stopped up or diverted to scale as above (see guidance note).
- One** copy of Section 106 agreement (if applicable).
- One** copy of Compulsory Purchase Order details (if applicable).
- S253 relevant documents to be submitted (if applicable).
- Copies of correspondence with statutory undertakers.
- Copies of correspondence with highway authority including their approval to the proposal together with a plan.
- Photograph(s) of the location may be helpful (*optional*).

## Guidance Notes

### To be read before completing the application form for stopping up or diversion Orders

### These notes relate to Orders under Section 247 of the Town and Country Planning Act 1990

#### Definitions

- ‘Highway’ means land over which the public have certain rights of way. Highways may be classified as follows:

‘all-purpose highway’ means one over which the public have rights of way on foot and with vehicles, and over which they may exercise an animal that can use a bridleway:

‘carriageway’ means a way forming all, or part of, a highway (other than a cycle track) over which the public have a right of way for the passage of vehicles;

‘footway’ means that part of an all-purpose highway over which the public have a right of way on foot only;

‘bridleway’ means a highway over which the public have rights of way on foot and on horseback, or when leading horses, with or without a right to drive any sort of animal along that highway. There is no other right of way on a bridleway, except in certain circumstances for non-motorised bicycles.

‘footpath’ means a highway over which the public have a right of way on foot.

‘cycle track’ means a way forming all, or part of, a highway, over which the public have a right of way on pedal cycles, with or without a right of way on foot. There is no other right of way on a cycle track.

#### Welsh Ministers’ Powers

- Under section 247 of the Act, the Welsh Ministers may, by Order, authorise the stopping up or diversion of any highway, if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission granted under part III of the Act, or to be carried out by a government department.

Therefore a copy of the relevant planning permission must be submitted before an application can proceed – see advice under “Enclosures”.

- In the case of footpaths and bridleways, section 257 of the Act empowers a local planning authority to make a stopping up or diversion

Order if satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission granted under Part III of the Act, or to be carried out by a government department.

- Where an application for the stopping up or diversion of all-purpose highways also affects a footpath the Welsh Ministers may make the Order stopping up or diverting all-purpose highways and footpath.

#### Enclosures

- When the Welsh Government is considering an application to stop up or divert a highway, it must be able to understand the effect of the development on the highway. Also, it needs to know that the local highway authority have been fully consulted on the proposed stopping up or diversion. Therefore, it requires a letter and related plan confirming that the local highway authority agree to the proposed stopping up or diversion.
- It is essential that measurements be accurately described in the Order schedule, measurements must be to scale. It should be possible to scale the measurements from the approved plan and the Order plan and for both to agree.
- You should send the following items with your application:

a copy of the planning permission granted under part III of the Act, together with any plans. **Applicants are reminded that an Order can only be made if Welsh Ministers are satisfied that it is necessary to do so in order to enable the development for which permission has been granted to be carried out. Where only an outline permission has been granted it may not be possible to meet this test.**

a copy of the approved site layout plan with the site boundary edged red and the existing highway within that site edged blue.

copies of correspondence with the highway authority.

copies of correspondence with statutory undertakers.

a plan showing the highway to be stopped up or diverted.

## Applying in anticipation of planning permission in accordance with Section 253

Copy of the application for planning permission and relevant plans, a copy of the appeal, CPO or submission to the Welsh Assembly Government.

### Submission of plans for incorporation in Order

- The following will be required:

4 copies of an up to date plan, or plans A3 or A4 size based on Ordnance Survey and drawn to a scale of 1/1250 or 1/500 or to other suitable scales.

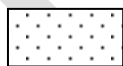
The plans should show existing highway(s) clearly labelled and be marked to show the details of stopping up etc as indicated below. It is also important that sufficient of the surrounding area appears on the plan to enable the location to be easily identified. Where locations to which reference is made in the form do not appear on the plan, their direction and the distance in metres from the end of the highway to be stopped up should be indicated.

plan(s) to be marked as follows:

- a) The highways proposed to be stopped up or diverted should be shown by zebra hatching.



- b) any new highway (all-purpose highways, footpaths or bridleways) pursuant to the Order should be shown by stipple:



- c) Any existing highway to be improved pursuant to the Order should be shown by crossing hatching over the affected length. The cross hatching should also include any widening or realignment:



- d) Any private means of access to premises or footpath to be stopped up should be shown in solid black:



- e) Any new means of access to premises should be shown by thin diagonal hatching:



- f) New footpath to be provided:



- g) **All plans must clearly show a North point**, preferably prepared so that North is shown parallel with the vertical side of the plan:

- h) The terminal points of the lengths of highway proposed to be stopped up or diverted must be clear on the plans:

- i) Highways such as footpaths and bridleways must be identified in Orders in words eg “the footpath/bridleway leading to North Street from “West Road”. Sufficient information should be given on the plans to enable an adequate description to be prepared:

- j) An unmarked copy of the above plan is required.

- Measurements – metric, taken from a terminal point(s) clearly identifiable on the plan.
- No other details are required.

### Timescale for making an Order

- Once the details of an application have been agreed, it can take a **minimum of 5 months** to make an Order providing there are no objections:

If objections are received and cannot be resolved within a reasonable timescale, it will normally be necessary for the Welsh Assembly Government to hold a local inquiry. **In such cases the period before a decision is taken will be considerably longer, possibly a year or even longer in some cases.**

### Objections

- If any objections to the proposed Order are made to the Welsh Government, they will be copied to the applicant so that he may, if he wishes, negotiate with the objectors with a view to resolving the objections. Where objections cannot be resolved within a reasonable timescale, it will normally be necessary for the Welsh Government to hold a local inquiry.

### Return of form

- One completed copy of form TCPA 247(2015) (together with all the necessary enclosures) should be sent to:

Orders Branch  
Transport  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ.

Or by email to: [TransportOrdersBranch@gov.wales](mailto:TransportOrdersBranch@gov.wales)

Planning and Environment Decisions Wales  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

3<sup>rd</sup> June 2024

To whom it may concern,

**RE: Diversion of Public Right of Way SP32/51**

I write with regard to the above Public Right of Way, which is to be diverted in connection with planning application ref: DNS CAS-03072-D7X6N7, for the development of a solar farm.

I can confirm that all land affected by the proposal is within the ownership of James and Shirley Thomas.

In addition, I can confirm on behalf of James and Shirley Thomas, that consent is given for the diversion of the Public Right of Way as set out within the planning permission.

Yours sincerely,



James Thomas