

5.Solar Farm developments

LAF member's query:

Solar farm development in the Vale and impact on PRow's

The Public Rights of Way Section are contacted as part of the planning consultation process should any public right of way fall within a proposed development or within a reasonable margin of a development.

The scale of the development will decide whether a planning application is made to the local authority or the Welsh Government.

I am currently aware of four applications that are of a size requiring determination by the Welsh Govt. under the Development of National Significance (Procedure) (Wales) Order 2016.

Whether the development is small or of national significance the PRow section will deal with it in the same way. Our position is to ensure no public right of way is lost, if a diversion is necessary the new path will as good if not better than the old path.

We will negotiate to improve the PRow network but the base line is that we are required to accept a Town and Country Planning Act 1990 application to divert or extinguish a path if the application meets the legal tests within Sections 257 and 258 of the Act. At this time we have not received any application to extinguish a path.

As provided within our application pack, the tests for a diversion application (sec.257) are:

Before making an Order the Authority must be satisfied that:

- It is necessary to do so to enable development to be carried out in accordance with a granted planning permission.
- The disadvantage or loss likely to arise to members of the public or adjoining landowners has been weighed against the advantages of the proposed stopping or diversion.
- Regard has been had to the need for an alternative highway to be provided
- The development affecting the route has not already been carried out
- The route shown in the order as the alternative route is not an existing Public Right of Way

The legislation does not provide an opportunity to require screening of a path for visual amenity value or wide verges to provide wildlife corridors, but I have previously noted within a response that while recognising that screening does not relate directly to the continued availability of the footpath, we would welcome the screening of the site from the footpath.

I am currently aware of four applications that are of a size requiring determination by the Welsh Govt. under the Development of National Significance (Procedure) (Wales) Order 2016,

We may be contacted informally at an early stage to discuss our PROW network and I have previously been contacted by members of the public that have picked up a proposed development from a Residents Information Pack.

From the point of view of the PROW network the development of solar farms can be very positive as they enable us to discuss and at times achieve an increase in the network and upgrade of existing routes, although the visual amenity value may be lessened.