WELSH STATUTORY INSTRUMENTS

2012 No. 2318 (W. 252)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2012

Made - - - - 6 September 2012
Laid before the National Assembly for Wales - - 11 September 2012
Coming into force in accordance with article 1(1)

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(**1**) and now exercisable by them(**2**), make the following Order:

Title, commencement, interpretation and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2012 and it comes into force on 5 October 2012.

(2) "The 1995 Order" ("*Gorchymyn 1995*") means the Town and Country Planning (General Permitted Development) Order 1995(**3**).

(3) This Order applies in relation to Wales.

Amendment in relation to agricultural land

2.—(1) Part 6 of Schedule 2 (agricultural buildings and operations) to the 1995 Order is amended as follows.

(2) In Class A, at the end of paragraph (h) of paragraph A.1 (development not permitted) omit "or".

(3) In Class A, at the end of paragraph (i) of paragraph A.1 (development not permitted) for "." substitute "; or".

(**1**) 1990 c. 8; to which there are amendments not relevant to this Order.
(**2**) The functions of the Secretary of State under sections 59, 60, 61 and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).
(**3**) S.I. 1995/418. Relevant amendments were made by S.I 1997/366, S.I. 2009/2193 (W.185) and S.I. 2012/1346 (W.167).

(4) In Class A, after paragraph (i) of paragraph A.1 (development not permitted) insert—

"(j) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—

(i) would be used for storing fuel not produced on land within the unit or waste not produced by that boiler or system; or

(ii) is or would be within 400 metres of the curtilage of a protected building."

(5) In Class A, in paragraph (1)(a) of paragraph A.2 (conditions) after "sewage sludge" omit ";" and insert ", for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine;".

(6) In Class B, at the end of paragraph (d) of paragraph B.1 (development not permitted) omit "or".

(7) In Class B, at the end of paragraph (e) of paragraph B.1 (development not permitted) for "." substitute "; or".

(8) In Class B, after paragraph (e) of paragraph B.1 (development not permitted) insert—

"(f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing fuel not produced on land within the unit or waste not produced by that boiler or system."

(9) In Class B, in paragraph B.5 (conditions) after "sewage sludge" omit "." and insert ", for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine."

(10) In Class D (interpretation of Part 6) after paragraph D.7 insert—

"(D.8) For the purposes of Class A(a) "the purposes of agriculture" includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine.

(D.9) For the purposes of Class B(a) "the purposes of agriculture" includes the extension or alteration of an agricultural building for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine."

Amendment in relation to forestry land

3.—(1) Part 7 of Schedule 2 (forestry buildings and operations) to the 1995 Order is amended as follows.

(2) In paragraph A.1 (development not permitted) at the end of paragraph (b) omit "or".

(3) In paragraph A.1 (development not permitted) at the end of paragraph (c) for "." substitute "; or".

(4) In paragraph A.1 (development not permitted) after paragraph (c) insert—

"(d) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing fuel not produced on land which is occupied together with that building for the purposes of forestry or waste not produced by that boiler or system."

(5) After paragraph A.3 (interpretation of Class A) insert—

"(A.4) For the purposes of Class A(a) "the purposes of forestry" includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine."

Amendment in relation to non-domestic microgeneration

4. After Part 42 of Schedule 2 (shops or catering, financial or professional services establishments) to the 1995 Order insert Part 43 as set out in the Schedule to this Order.

John Griffiths
Minister for Environment and Sustainable Development, one of the Welsh Ministers

6 September 2012

SCHEDULE Article 4

"PART 43

INSTALLATION OF NON-DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats.

Development not permitted

A.1. Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would be installed on a wall or pitched roof and would protrude more than 20 centimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

(b) the solar PV or solar thermal equipment would be installed on a flat roof and would protrude more than 1 metre above the plane of the roof;

(c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of the roof;

(d) the solar PV or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building;

(e) in the case of a building on article 1(5) land or on land within a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;

(f) the solar PV or solar thermal equipment would be installed on a building within the curtilage of a listed building; or

(g) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;

(b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(c) solar PV or solar thermal equipment no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.