WELSH STATUTORY INSTRUMENTS

2007 No. 952 (W.83)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2007

Made - - - -	*21 March 2007*
Coming into force - -	*22 March 2007*

The National Assembly for Wales, in exercise of the powers conferred by sections 59, 60 and 333(7) of the Town and Country Planning Act 1990(**1**) and now vested in it(**2**), makes the following Order—

Citation, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2007 and it will come into force on 22 March 2007.

(2) This Order applies in relation to Wales.

Amendment of Order

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995(**3**) is amended in accordance with paragraph (2) of this article.

(2) After Part 38 of Schedule 2 add—

(**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 and 333(7) of the Town and Country Planning Act 1990 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). By virtue of section 333(4) of the 1990 Act, the powers conferred by sections 59, 60 and 333 (7) of the 1990 Act are exercisable by statutory instrument.

(**3**) S.I. 1995/418; relevant amending instruments are S.I. 1999/293, 2004/3156 (W.273), 2006/1282 and 2006/1386 (W.136).

"PART 39

TEMPORARY PROTECTION OF POULTRY AND OTHER CAPTIVE BIRDS

Class A

Permitted development

A. The erection of a building where that is necessary for the purposes of housing poultry or other captive birds to protect them from avian influenza.

Development not permitted

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

(a) the development would affect a listed building or its setting;

(b) the height of the building would exceed 12 metres;

(c) where the development is within three kilometres of an aerodrome, the height of the building would exceed three metres;

(d) the area of ground which would be covered by the building would exceed 465 square metres;

(e) where development permitted by Class A is carried out more than once on land in the occupation of a particular person, the aggregate of the area of ground covered by any such development would exceed 465 square metres;

(f) where the development consists of the extension of a building, the area of ground covered by the building as extended would exceed the area of ground covered by the existing building by more than 50 per cent.

Conditions

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

(a) the development shall not be used for any purpose other than to house poultry or other captive birds to protect them from avian influenza;

(b) the developer shall, as soon as practicable, and in any event no later than 14 days, after commencing development, serve the relevant notice on the local planning authority; and

(c) on or before the relevant date—

(i) any building permitted by Class A shall be removed from the land; and

(ii) the land shall be restored to its condition before the development took place, or restored to such other condition as may be agreed in writing between the local planning authority and the developer.

Interpretation of Class A

A.3. For the purposes of Class A—

"approved body" means a body approved in accordance with Article 2(1)(c) of Directive 92/65/EEC(**4**) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health

(**4**) OJ No L 268, 14.9.1992, p54-72.