



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2007 Rhif 952 (Cy.83)**

**2007 No. 952 (W.83)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Datblygu Cyffredinol a  
Ganiateir) (Diwygio) (Cymru)  
2007

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

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn ychwanegu Rhan 39 newydd at Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995. Mae Rhan 39 yn rhoi caniatâd cynllunio mewn perthynas â datblygu penodol sy'n angenrheidiol at ddibenion lletya dofednod ac adar caeth eraill i'w hamddiffyn rhag ffliw adar. Mae graddau a natur y datblygu a ganiateir yn ddarostyngedig i gyfyngiadau. Pan fo Rhan 39 yn gymwys i'r datblygu, nid oes angen unrhyw gais penodol am ganiatâd cynllunio. Mae caniatâd cynllunio yn cael ei roi yn hytrach gan Ran 39, yn ddarostyngedig i amodau sy'n ei gwneud yn ofynnol i hysbysu'r awdurdod cynllunio lleol a chael gwared ar y datblygiad pan fo'r angen amdano wedi dod i ben neu erbyn 21 Mawrth 2008 p'un bynnag yw'r cynharaf.

This Order adds a new Part 39 to Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. Part 39 grants planning permission in respect of certain development which is necessary for the purposes of housing poultry and other captive birds to protect them from avian influenza. The extent and nature of the development permitted are subject to limitations. Where Part 39 applies to the development, no specific application for planning permission is needed. Planning permission is instead granted by Part 39, subject to conditions requiring notification to the local planning authority and removal of the development once the need for it has ended or by 21 March 2008 whichever is the sooner.

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Thref (Datblygu Cyffredinol a  
Ganiateir) (Diwygio) (Cymru)  
2007****The Town and Country Planning  
(General Permitted Development)  
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2007***Wedi'i wneud* 21 Mawrth 2007  
*Yn dod i rym* 22 Mawrth 2007*Made* 21 March 2007  
*Coming into force* 22 March 2007

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 59, 60 a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sydd bellach wedi'u breinio ynddo(2), yn gwneud y Gorchymyn a ganlyn-

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-

**Enwi, cychwyn a chymhwys**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2007 a daw i rym ar 22 Mawrth 2007.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**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.

**Diwygio'r Gorchymyn**

2.-(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(3) wedi'i ddiwygio yn unol â pharagraff (2) o'r erthygl hon.

(2) Ar ôl Rhan 38 o Atodlen 2 ychwaneger-

**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 p.8, y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60 a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672); gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p.8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 ac Atodlen 3 iddo (O.S. 2000/253). Yn rhinwedd adran 333(4) o Ddeddf 1990, mae'r pwerau a roddwyd gan adrannau 59, 60 a 333 (7) o Ddeddf 1990 yn arferadwy drwy offeryn statudol.

(3) O.S. 1995/418; yr offerynnau diwygio perthnasol yw O.S. 1999/293, 2004/3156 (Cy.273), 2006/1282 a 2006/1386 (Cy.136).

(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.

## "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(1) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 90/425/EEC(2);

"avian influenza" means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

"other captive bird" means a bird kept in captivity which is not poultry and includes a bird kept as a pet; for shows, races, exhibitions or competitions; for breeding; for sale; or for use by an approved body;

"poultry" means birds reared or kept in captivity for the production of meat or eggs for consumption, for the production of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of birds;

"relevant date" means-

- (a) 21 March 2008; or
- (b) the date on which the use of the building permitted by Class A ceases to be necessary for the purposes of protecting poultry or other captive birds from avian influenza,

whichever is the earlier;

"relevant notice" means a notice signed and dated by or on behalf of the developer and containing-

- (a) the name of the developer;
- (b) the address or location of the development (including a site plan and grid reference);
- (c) the name and address of the owner and occupier of the land on which the development is being carried out (if not the developer);
- (d) a description of the development (including the type of poultry or other captive birds to be protected); and
- (e) the date on which the development commenced."

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(1) OJ Rhif L 268, 14.9.1992, t.54-72.

(2) OJ Rhif L 224, 18.8.1990, t.29-41.

## 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(1) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 90/425/EEC(2);

"avian influenza" means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

"other captive bird" means a bird kept in captivity which is not poultry and includes a bird kept as a pet; for shows, races, exhibitions or competitions; for breeding; for sale; or for use by an approved body;

"poultry" means birds reared or kept in captivity for the production of meat or eggs for consumption, for the production of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of birds;

"relevant date" means-

- (a) 21 March 2008; or
- (b) the date on which the use of the building permitted by Class A ceases to be necessary for the purposes of protecting poultry or other captive birds from avian influenza,

whichever is the earlier;

"relevant notice" means a notice signed and dated by or on behalf of the developer and containing-

- (a) the name of the developer;
- (b) the address or location of the development (including a site plan and grid reference);
- (c) the name and address of the owner and occupier of the land on which the development is being carried out (if not the developer);
- (d) a description of the development (including the type of poultry or other captive birds to be protected); and
- (e) the date on which the development commenced."

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

(2) OJ No L 224, 18.8.1990, p29-41

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

21 Mawrth 2007

21 March 2007

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(1) 1998 p.38.

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(1) 1998 c.38.

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