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WELSH STATUTORY INSTRUMENTS

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**2012 No. 2318**

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

**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(1).

(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”.

(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.

6 September 2012

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