

SCHEDULE

Article 1 (3)

Definition of “Excepted Energy Building”

1. An excepted energy building is a building that satisfies the first and second conditions set out below.

Commencement Information

II Sch. para. 1 in force at 31.12.2011, see **art. 1(2)**

First condition

2. The first condition is that the building falls within one of the following descriptions—
- (a) a generating station whose construction, extension or operation requires or required the consent of the Secretary of State under section 36 of the Electricity Act 1989(1) or any ancillary development;
 - (b) a generating station whose construction or extension requires or required development consent;
 - (c) an electric line whose installation, or continued installation, above ground requires the consent of the Secretary of State under section 37 of the Electricity Act 1989 or any ancillary development;
 - (d) an electric line whose installation above ground requires or required development consent;
 - (e) a pipe-line whose construction requires or required authorisation under section 1(1) of the Pipe-lines Act 1962(2) or development consent; or
 - (f) a facility for the storage of gas underground in natural porous strata by a gas transporter or surface works or pipes associated with such a facility.

Commencement Information

I2 Sch. para. 2 in force at 31.12.2011, see **art. 1(2)**

Second condition

3. The second condition is that the building is not used, or not to be used, entirely as one or more of the following—

- (a) a residence;
- (b) a shop;
- (c) an office;
- (d) a showroom;
- (e) a canteen; or

(1) 1989 c. 29. Part 1 includes interpretation provisions relevant to words and expressions used in the Schedule to this Order: see section 64(1) for the meaning of “electric line” and “generating station”, and section 36(9) for the meaning of “extension”. There have been extensive amendments to Part 1: see in particular the Utilities Act 2000 (c. 27), Part 4; the Energy Act 2004 (c. 20), Part 3; and the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 31 to 33.

(2) 1962 c. 58. See section 65 for the meaning of “pipe-line” and section 66 for the meaning of “construction”. There have been extensive amendments to the provisions about control of construction of pipe-lines: see in particular the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 5 and 6.

Changes to legislation: There are currently no known outstanding effects for the The Welsh Ministers
(Transfer of Functions) (No. 2) Order 2009, SCHEDULE. (See end of Document for details)

- (f) an outbuilding ancillary to a building used, or to be used, entirely for one or more of the purposes set out in sub-paragraphs (a) to (e).

Commencement Information

I3 Sch. para. 3 in force at 31.12.2011, see **art. 1(2)**

Interpretation

4. In this Schedule—

“ancillary development” has the same meaning as in section 90(2) of the Town and Country Planning Act 1990(3);

“development consent” means development consent under the Planning Act 2008(4);

“gas transporter” has the same meaning as in Part 1 of the Gas Act 1986(5);

“outbuilding” means a shed, greenhouse, summerhouse, garage or similar building that is not attached to any other building other than another outbuilding;

“residence” includes—

- (a) a dwelling-house;
- (b) a flat and any common parts;
- (c) a room used for residential purposes and any common parts;

“room used for residential purposes” means a room or a suite of rooms which is not a dwelling-house or a flat and which is used by one or more persons to live and sleep.

Commencement Information

I4 Sch. para. 4 in force at 31.12.2011, see **art. 1(2)**

(3) 1990 c. 8. Section 90 was amended by the Planning and Compensation Act 1991 (c. 34), section 31 and Schedule 6, paragraph 12; the Transport and Works Act 1992 (c. 42), section 16(1); and the Environment Act 1995 (c. 25), section 78 and Schedule 10, paragraph 32(4). For the meaning of “ancillary development” in relation to development consisting of the extension of a generating station, see section 90(5).

(4) 2008 c. 29. See Part 4 for the requirement for development consent.

(5) 1986 c. 44. See section 7(1) for the meaning of “gas transporter”. There have been extensive amendments to Part 1: see in particular the Utilities Act 2000 (c. 27), Part 5, and the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 11 to 14.

Changes to legislation:

There are currently no known outstanding effects for the The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009, SCHEDULE.