

**2008 No. 502 (W.43)**

**TOWN AND COUNTRY  
PLANNING, WALES**

The Town and Country Planning  
(General Permitted Development)  
(Amendment) (Wales) Order 2008

**EXPLANATORY NOTE**

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

Part 39 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 grants planning permission in respect of the erection of buildings 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, no specific application for planning permission is needed. Planning permission is granted by Part 39 subject to a number of conditions, including a condition that the development is removed, at the latest, by 21 March 2008.

This Order amends Part 39 by extending the date by which development must be removed to 21 March 2009. It also amends Part 39 by requiring that the development be removed, at the latest, as soon as practicable after the extended date.

A regulatory impact assessment has been prepared in relation to this Order. Copies may be obtained from the Publications Centre, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

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PLANNING, WALES**

**The Town and Country Planning  
(General Permitted Development)  
(Amendment) (Wales) Order 2008**

*Made* 25 February 2008

*Laid before the National*

*Assembly for Wales* 26 February 2008

*Coming into force* 21 March 2008

The Welsh Ministers, in exercise of the powers conferred by sections 59, 60 and 333(7) of the Town and Country Planning Act 1990<sup>(1)</sup> and now vested in them<sup>(2)</sup>, make the following Order—

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- (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) are now exercisable by the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously 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 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 paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), the functions of the National Assembly for Wales were transferred to the Welsh Ministers. 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.

### **Title, commencement and application**

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2008 and it will come into force on 21st March 2008.

(2) This Order applies in relation to Wales.

### **Amendment of Order**

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995<sup>(1)</sup> is amended in accordance with paragraph (2).

(2) In Part 39 of Schedule 2 (temporary protection of poultry and other captive birds)—

- (a) in paragraph A.2(c) for “on or before the relevant date” substitute “as soon as practicable on or after the relevant date”; and
- (b) in paragraph A.3, in the definition of “relevant date” for “2008” substitute “2009”.

*Jane Davidson*

Minister for Environment, Sustainability and Housing,  
one of the Welsh Ministers

25 February 2008.

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(1) S.I. 1995/418; relevant amending instruments are S.I. 1999/293, 2004/3156 (W.273), 2006/1282, 2006/1386 (W.136) and 2007/952 (W.83).