



2010 CHAPTER 2

Review of operating centres

Power to remove operating centres on review

28.—(1) If, having served notice under section 27 in respect of a place specified in an operator's licence, the Department determines that the place is unsuitable—

- (a) on grounds other than environmental grounds, or
- (b) on the ground mentioned in subsection (2),

for use as an operating centre of the licence-holder, the Department may (subject to subsection (3)) direct that the place cease to be specified in the licence.

(2) The ground referred to in subsection (1)(b) is that the parking of vehicles used under the licence at or in the vicinity of the place causes adverse effects on environmental conditions in that vicinity.

(3) Where the only ground for giving a direction under subsection (1) is the ground mentioned in subsection (2), the Department may not give such a direction unless during the period of review in question representations were made to the Department—

- (a) by such a person as is mentioned in section 11(2), or
- (b) by a person who is the owner or occupier of any land in the vicinity of the place in question,

as to the unsuitability of the place on environmental grounds for continued use as an operating centre for vehicles used under any operator's licence.

(4) Representations made by a person such as is mentioned in paragraph (b) of subsection (3) shall be disregarded for the purposes of this section if, when they were made, any adverse effects on environmental conditions arising from

the continued use of the place in question would not have been capable of prejudicially affecting the use or enjoyment of the land mentioned in that paragraph.

(5) Any representations under this section—

- (a) shall be made in the prescribed manner; and
- (b) shall contain particulars of any matters alleged by the person making the representations to be relevant to the issue to which they relate;

but where the Department considers there to be exceptional circumstances that justify its doing so, the Department may direct that representations be treated for the purposes of this Act as duly made under this section notwithstanding that they were not made in the prescribed manner or within the period of review in question.