

## SCHEDULE 7

### VARIATION OF CONDITIONS

#### PART 2

#### DETERMINATION OF APPLICATIONS FOR VARIATIONS AND VARIATION NOTICES

5.—(1) If the enforcing authority proposes to serve a variation notice which will result in the inclusion of an off-site condition in the permit concerned, it shall, before serving the variation notice, give a notice which complies with sub-paragraph (3) to every person appearing to it to be a person falling within sub-paragraph (2).

(2) A person falls within this sub-paragraph if—

- (a) he is the owner, lessee or occupier of land; and
- (b) that land is land in relation to which it is likely that, as a consequence of the off-site condition in question, rights will have to be granted by virtue of regulation 12(12) to the holder of the permit.

(3) A notice served under sub-paragraph (1) shall—

- (a) be in writing;
- (b) set out the off-site condition in question;
- (c) indicate the nature of the works or things which that condition might require the holder of the permit to carry out or do; and
- (d) specify a period, not being less than 28 days beginning on the date on which the notice is served, in which representations may be made to the enforcing authority relating to the condition or its possible effects and the manner in which any such representations are to be made.

(4) In sub-paragraph (2), “owner” means the person who—

- (a) is for the time being receiving the rack-rent of the land, whether on his own account or as agent or trustee for another person; or
- (b) would receive the rack-rent if the land were let at a rack-rent,

but does not include a mortgagee not in possession.

(5) Any representations made by a person notified under sub-paragraph (1) within the period specified under sub-paragraph 3(d) shall be considered by the enforcing authority before serving the variation notice.