

SCHEDULES

SCHEDULE 7

VARIATION OF CONDITIONS

PART 2

VARIATION NOTICES

14.—(1) Subject to paragraph 24(b), an operator notified under paragraph 12(3)(a) shall, within 28 days beginning on the day on which the notification is made, advertise the proposed variation notice—

- (a) in the case of a variation affecting the operation of an installation or Part A mobile plant in at least one newspaper circulating in the locality in which the installation or mobile plant is operated; and
- (b) in the case of a Part A installation or Part A mobile plant, in the Belfast Gazette.

(2) An advertisement required by sub-paragraph (1) shall—

- (a) state the name of the operator;
- (b) in the case of a variation affecting the operation of an installation or Part A mobile plant, state the address of the site of the installation or mobile plant concerned;
- (c) describe briefly the activities in Part 1 of Schedule 1 carried out in the installation or by means of the mobile plant and the change in the operation of the installation or mobile plant that will be authorised by the variation;
- (d) state where, and in the case of a variation affecting the operation of a Part A installation, how and at what times, any register which contains—
 - (i) particulars of the proposed variation; and
 - (ii) in the case of a proposed variation notice affecting the operation of a Part A installation, a copy of the proposed variation notice and the information provided by the enforcing authority under paragraph 12(3)(d)(i) on the reasons and considerations on which that proposed variation notice is based,

may be inspected and that it may be inspected free of charge;

- (e) explain that any person may make representations in writing to the enforcing authority within the period of 42 days beginning with the date of the advertisement and give the enforcing authority's address for receiving the representations;
- (f) explain that any such representations made by any person will be entered in a public register unless that person requests in writing that they should not be so entered, and that where such a request is made there will be included in the register a statement indicating only that representations have been made which have been the subject of such a request;
- (g) in the case of a variation affecting the operation of a Part A installation or Part A mobile plant—
 - (i) describe the contents of the proposed variation notice;

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- (ii) where applicable, state that the serving of the variation notice is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accordance with paragraph 17; and
- (iii) where applicable, explain that any guidance issued by the Department to the enforcing authority relevant to the serving of the proposed variation which has been provided to the operator under paragraph 12(3)(d)(ii), has been included in the register.

(3) Sub-paragraph (1) shall not apply in relation to a proposed variation notice relating to an installation which is only used to carry out an activity falling within paragraph (b), (c), (d) or (e) of Part C of section 1.2 of Part 1 of Schedule 1.

(4) Any representations made by any person within the period allowed shall be considered by the enforcing authority before serving the variation notice.

(5) For the purpose of paragraph (4), the period allowed for making representations is—

- (a) in the case of persons notified pursuant to paragraphs 12(3)(c), the period of 42 days beginning with the date on which notice of the proposed variation notice is given under that sub-paragraph; or
- (b) in the case of other persons, the period of 42 days beginning with the date on which the proposed variation notice is advertised pursuant to sub-paragraph (1).