



2010 CHAPTER 2

Environmental matters

Determinations as to environmental matters

31.—(1) In making any determination of a description mentioned in subsection (2), the Department shall have regard to such considerations as may be prescribed as relevant to determinations of the description.

(2) The determinations referred to are—

- (a) any determination with respect to the suitability of any place on environmental grounds for use as an operating centre of the holder of an operator's licence;
- (b) any determination with respect to attaching to an operator's licence any condition such as is mentioned in section 20(1)(c) or varying or removing any such condition attached to an operator's licence; and
- (c) any determination with respect to the effect on environmental conditions in any locality of the use in any particular manner of any operating centre of the holder of an operator's licence.

(3) In making any such determination for the purposes of exercising—

- (a) any of its functions in relation to an application for, or for the variation of, an operator's licence, or
- (b) any of its functions under sections 27 to 29,

the Department may take into account any undertakings given by the applicant or licence-holder (or procured by the applicant or licence-holder to be given) for the purposes of the application or the review under sections 27 to 29, and may assume that those undertakings will be fulfilled.

(4) In making for those purposes a determination of a description mentioned in subsection (2)(a) or (c), the Department may take into account any conditions such as are mentioned in section 20(1)(c) that could be attached to the licence in question, and may assume that any conditions so attached will not be contravened.

(5) Where the Department—

- (a) grants an application for, or for the variation of, an operator's licence, or
- (b) having served notice under section 27 in respect of any place specified in such a licence, exercises or determines not to exercise any of its powers under sections 28 and 29 in relation to that place,

any undertakings taken into account by the Department under subsection (3) that it considers to be material to the application or (as the case may be) to its decision under sections 28 and 29 shall be recorded in the licence in question.