

SCHEDULE 5

Environmental permits

PART 1

Grant, variation, transfer and surrender of environmental permits

Consultation: conditions mentioned in regulation 15(1)

9.—(1) This paragraph applies if the regulator proposes to include a condition mentioned in regulation 15(1) in an environmental permit.

(2) If this paragraph applies, the regulator must serve a notice which complies with sub-paragraph (3) on every person appearing to it to fall within sub-paragraph (4).

(3) The notice must specify—

- (a) the proposed condition;
- (b) the works or other things which the condition would require; and
- (c) the address to which and the period within which representations must be made (which period must not expire less than 20 working days after the day the notice is served).

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

- (a) he is the owner, lessee or occupier of land; and
- (b) regulation 15(2) would require him to grant the rights mentioned there if the proposed condition were included in the environmental permit.

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

- (a) is 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.