



2010 CHAPTER 2

Determination of applications

Determination where objections etc are made on environmental grounds

13.—(1) This section applies to any application for an operator's licence in respect of which—

- (a) any objection is duly made under section 11(1)(b), or
- (b) any representations are duly made under section 11(4).

(2) The Department may refuse an application to which this section applies on the ground that, as respects any place which, if the licence were issued, would be an operating centre of the holder of the licence—

- (a) the parking of vehicles used under the licence at or in the vicinity of the place in question would cause adverse effects on environmental conditions in the vicinity of that place; or
- (b) the place in question would be unsuitable for use as an operating centre of the holder of the licence on other environmental grounds.

(3) The Department may not refuse an application for an operator's licence on the ground that any place would be unsuitable as mentioned in subsection (2) (b) if—

- (a) on the date the application was made, that place was already specified in an operator's licence as an operating centre of the holder of that licence, or
- (b) the applicant has produced to the Department a certificate in force in respect of that place under Article 83A or 83B of the [Planning \(Northern Ireland\) Order 1991 \(NI 11\)](#) stating that its use as an operating centre for vehicles used under any operator's licence is or would be lawful.

(4) Subsection (3) does not apply in relation to any place that, at the time the application is determined by the Department, is specified in an operator's licence as an operating centre of the holder of that licence.

(5) A place is not to be regarded for the purposes of paragraph (a) of subsection (3) as being specified in an operator's licence by reason only that it forms part of a place so specified; and a place that was, on the date mentioned in that paragraph, a place specified in an operator's licence as mentioned in that paragraph shall be disregarded for the purposes of that paragraph if, on that date—

- (a) the operator's licence in which that place was specified was an interim licence issued under section 21; or
- (b) that place was so specified by virtue of an interim direction such as is mentioned in section 22; or
- (c) such conditions relating to—
 - (i) the exercise of the right of any person to appeal against a place being specified in an operator's licence, or
 - (ii) the review under section 34 of any decision so to specify a place, as may be prescribed were not satisfied in relation to that place.

(6) Where in the case of any application for an operator's licence—

- (a) the Department has power to refuse the application under subsection (2), and
- (b) any place other than a place that will be unsuitable for use as an operating centre is mentioned in the particulars given by the applicant under section 7(4) as a proposed operating centre,

the Department may, instead of refusing the application, issue the licence but specify in it only such place or such places mentioned in those particulars as will not be unsuitable for use as an operating centre.

(7) For the purposes of subsection (6), a place will be unsuitable for use as an operating centre if the Department has power to refuse the application under subsection (2) in consequence of the proposed use of that place as an operating centre.