


EurGeol Marie Ryan
Executive Planner






Section 261 of the Planning and Development Act 2000.



**15th November 2006
IGI Conference**




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Section 261 of the Planning and Development Act 2000

Enacted on 28th April 2004.


Quarry operators/owners were given 12months to register.

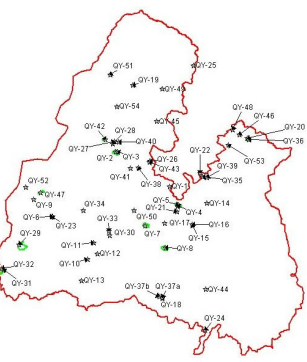
All types of quarry extractions : rock, sand, gravel, etc.

History/Timeframes

- Pre-1963 Act – Quarries in operation before 1st Oct 1964.
- 1964 – 2004.
- Post 2004 enactment of Section 261.

Intention : 'Snapshot' and 'Level Playing Field'


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North Tipperary

54 No. quarries


applied for registration







Comhaltas na Cúige Éireanníolaíoch Thuaisi
North Tipperary County Council




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The basic steps in the process are:

1. Application for Registration
2. Determination of quarry categories
3. Consultation with the public
4. Consultation with the quarry operators
5. Decision on whether to impose, restate or modify the conditions of operation of a quarry or to require a planning application accompanied by an EIS, where applicable
6. Impose, restate or modify conditions on quarries, where appropriate
7. Determine planning applications, where appropriate
8. Appeal, where appropriate
9. Claim for compensation, where appropriate







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Under Section 261, the Planning Authority can :

- (i) impose conditions on the operation of a pre-1 October 1964 quarry, or
- (ii) if it appears likely that the continued operation of a pre-1 October 1964 quarry: (a) which has an extracted area greater than 5 hectares, or (b) which is on land which is a European or other designated site, would be likely to have significant effects on the environment, require to undergo environmental impact assessment and apply for planning permission, or
- (iii) can restate, modify or add to existing conditions on the operation of a quarry which has received planning permission, or
- (iv) refuse to register an abandoned quarry.


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Difficulties

- Local Authority may be open to claims for compensation in certain instances.
- No provision in the legislation for regulation of quarries that started since 1964 and never had planning permission.
- Public Perception that Local Authority can regulate the industry.
- Cannot Register a quarry that was not operating when the Regulations came into force.


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Difficulties (cont'd)

- Intensification!!!
- How can the date when quarrying commenced be determined?
- What is the difference between quarrying and extracting and excavating and blasting?

Reality

Imperfect legislation
 Cumbersome process
 Very difficult to regulate
 Risk of significant compensation





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Compensation

May be payable by a Planning Authority in the following circumstances:

1. where a pre-1964 quarry is required to seek planning permission and is subsequently refused such a permission;
2. where a pre-1964 quarry is required to seek planning permission and is granted such a permission, but subject to conditions on its operation;
3. where a quarry has planning permission prior to registration, but where the conditions of its permission become more restrictive due to the Local Authority adding to or modifying the existing conditions.



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Forward Planning

Need for a **Minerals Development Policy**

- Balance anticipated demand with environmental sustainability.
- Must take account of wider issues such as: SAC's, NHA's, Habitats Directive, Biodiversity, High Amenity Areas, Eskers, etc.
- Mapping essential – e.g. further GSI Aggregate Mapping required e.g. under worked bogs rather than greenfield sites or eskers, etc.
- Reinstatement and Aftercare Policies – potential for recreational use e.g. golf course, water sports, rock climbing, etc.
- Maximise use of alternatives e.g. recycled aggregate, environmentally friendly cement substitutes, etc.

