

Planning register. 7.—(1) A planning authority shall keep a register for the purposes of this Act in respect of all land within its functional area, and shall make all such entries and corrections therein as may be appropriate in accordance with *subsection (2)*, and the other provisions of this Act and the regulations made under this Act.

(2) A planning authority shall enter in the register— ...

(y) particulars of any information relating to the operation of a quarry provided in accordance with *section 261*, and

(z)

Control of quarries. 261.—(1) The owner or operator of a quarry to which this section applies shall, not later than one year from the coming into operation of this section, provide to the planning authority, in whose functional area the quarry is situated, information relating to the operation of the quarry at the commencement of this section, and on receipt of such information the planning authority shall, in accordance with *section 7*, enter it in the register.

(2) Without prejudice to the generality of *subsection (1)*, information provided under that subsection shall specify the following—

(a) the area of the quarry, including the extracted area delineated on a map,

(b) the material being extracted and processed (if at all),

(c) the date when quarrying operations commenced on the land (where known),

(d) the hours of the day during which the quarry is in operation,

(e) the traffic generated by the operation of the quarry including the type and frequency of vehicles entering and leaving the quarry,

(f) the levels of noise and dust generated by the operations in the quarry,

(g) any material changes in the particulars referred to in *paragraphs (a) to (f)* during the period commencing on the commencement of this section and the date on which the information is provided,

(h) whether—

(i) planning permission under Part IV of the Act of 1963 was granted in respect of the quarry and if so, the conditions, if any, to which the permission is subject, or

(ii) the operation of the quarry commenced before 1 October 1964,

and

(i) such other matters in relation to the operations of the quarry as may be prescribed.

(3) A planning authority may require a person who has submitted information in accordance with this section to submit such further information as it may specify, within such period as it may specify, relating to the operation of the quarry concerned and, on receipt thereof, the planning authority shall enter the information in the register.

(4) (a) A planning authority shall, not later than 6 months from the registration of a quarry in accordance with this section, publish notice of the registration in one or more newspapers circulating in the area within which the quarry is situated.

(b) A notice under *paragraph (a)* shall state—

- (i) that the quarry has been registered in accordance with this section,
- (ii) where planning permission has been granted in respect of the quarry, that it has been so granted and whether the planning authority is considering restating, modifying or adding to conditions attached to the planning permission in accordance with *subsection (6)(a)(ii)*, or
- (iii) where planning permission has not been granted in respect of the quarry, that it has not been so granted and whether the planning authority is considering—
 - (I) imposing conditions on the operation of the quarry in accordance with *subsection (6)(a)(i)*, or
 - (II) requiring the making of a planning application and the preparation of an environmental impact statement in respect of the quarry in accordance with *subsection (7)*,
- (iv) the place or places and times at which the register may be inspected,
- (v) that submissions or observations regarding the operation of the quarry may be made to the planning authority within 4 weeks from the date of publication of the notice.

(c) A notice under this subsection may relate to one or more quarries registered in accordance with this section.

(5) (a) Where a planning authority proposes to—

- (i) impose, restate, modify or add to conditions on the operation of the quarry under this section, or
- (ii) require, under *subsection (7)*, a planning application to be made and an environmental impact statement to be submitted in respect of the quarry in accordance with this section,

it shall, as soon as may be after the expiration of the period for making observations or submissions pursuant to a notice under *subsection (4)(b)*, serve notice of its proposals on the owner or operator of the quarry.

(b) A notice referred to in *paragraph (a)*, shall state—

- (i) the reasons for the proposals, and
- (ii) that submissions or observations regarding the proposals may be made by the owner or operator of the quarry to the planning authority within such period as may be specified in the notice, being not less than 6 weeks from the service of the notice.

(c) Submissions or observations made pursuant to a notice under *paragraph (b)* shall be taken into consideration by a planning authority when performing its functions under *subsection (6)* or *(7)*.

(6) (a) Not later than 2 years from the registration of a quarry under this section, a planning authority may, in the interests of proper planning and sustainable development, and having regard to the development plan and submissions or observations (if any) made pursuant to a notice under *subsection (4)* or *(5)*—

- (i) in relation to a quarry which commenced operation before 1 October 1964, impose conditions on the operation of that quarry, or
- (ii) in relation to a quarry in respect of which planning permission was granted under Part IV of the Act of 1963 restate, modify or add to conditions imposed on the operation of that quarry,

and the owner and operator of the quarry concerned shall as soon as may be thereafter be notified in writing thereof.

(b) Where, in relation to a grant of planning permission conditions have been restated, modified or added in accordance with *paragraph (a)*, the planning permission shall be deemed, for the purposes of this Act, to have been granted under *section 34*, and any condition so restated, modified or added shall have effect as if imposed under *section 34*.

(c) Notwithstanding *paragraph (a)*, where an integrated pollution control licence has been granted in relation to a quarry, a planning authority or the Board on appeal shall not restate, modify, add to or impose conditions under this subsection relating to—

- (i) the control (including the prevention, limitation, elimination, abatement or reduction) of emissions from the quarry, or
- (ii) the control of emissions related to or following the cessation of the operation of the quarry.

(7) (a) Where the continued operation of a quarry—

- (i) (I) the extracted area of which is greater than 5 hectares, or
- (II) that is situated on a European site or any other area prescribed for the purpose of *section 10(2)(c)*, or land to which an order under section 15, 16 or 17 of the Wildlife Act, 1976, applies,

and

(ii) that commenced operation before 1 October 1964,

would be likely to have significant effects on the environment (having regard to any selection criteria prescribed by the Minister under *section 176(2)(e)*), a planning authority shall not impose conditions on the operation of a quarry under *subsection (6)*, but shall, not later than one year after the date of the registration of the quarry, require, by notice in writing, the owner or operator of the quarry to apply for planning permission and to submit an environmental impact statement to the planning authority not later than 6 months from the date of service of the notice, or such other period as may be agreed with the planning authority.

(b) *Section 172(1)* shall not apply to development to which an application made pursuant to a requirement under *paragraph (a)* applies.

(c) A planning authority, or the Board on appeal, shall, in considering an application for planning permission made pursuant to a requirement under *paragraph (a)*, have regard to the existing use of the land as a quarry.

(8) (a) Where, in relation to a quarry for which permission was granted under Part IV of the Act of 1963, a planning authority adds or modifies conditions under this section that are more restrictive than existing conditions imposed in relation to that permission, the owner or operator of the quarry may claim compensation under *section 197* and references in that section to compliance with conditions on the continuance of any use of land consequent upon a notice under *section 46* shall be construed as including references to compliance with conditions so added or modified, save that no such claim may be made in respect of any condition relating to a matter specified in *paragraph (a), (b) or (c) of section 34(4)*, or in respect of a condition relating to the prevention, limitation or control of emissions from the quarry, or the reinstatement of land on which the quarry is situated.

(b) Where, in relation to a quarry to which *subsection (7)* applies, a planning authority, or the Board on appeal, refuses permission for development under *section 34* or grants permission thereunder subject to conditions on the operation of the quarry, the owner or operator of the quarry shall be entitled to claim compensation under *section 197* and for that purpose the reference in *subsection (1)* of that section to a notice under *section 46* shall be construed as a reference to a decision under *section 34* and the reference in *section 197(2)* to *section 46* shall be construed as a reference to *section 34* save that no such claim may be made in respect of any condition relating to a matter specified in *paragraph (a), (b) or (c) of section 34(4)*, or in respect of a condition relating to the prevention, limitation or control of emissions from the quarry, or the reinstatement of land on which the quarry is situated.

(9) (a) A person who provides information to a planning authority in accordance with *subsection (1)* or in compliance with a requirement under *subsection (3)* may appeal a decision of the planning authority to impose, restate, add to or modify conditions in accordance with *subsection (6)* to the Board within 4 weeks from the date of receipt of notification by the authority of those conditions.

(b) The Board may at the determination of an appeal under *paragraph (a)* confirm with or without modifications the decision of the planning authority or annul that decision.

(10) (a) A quarry to which this section applies in respect of which the owner or operator fails to provide information in relation to the operations of the quarry in accordance with *subsection (1)* or in accordance with a requirement under *subsection (3)* shall be unauthorised development.

(b) Any quarry in respect of which a notification under *subsection (7)* applies shall, unless a planning application in respect of the quarry is submitted to the planning authority within the period referred to in that subsection, be unauthorised development.

(11) This section shall apply to—

(a) a quarry in respect of which planning permission under Part IV of the Act of 1963 was granted more than 5 years before the coming into operation of this section, and

(b) any other quarry in operation on or after the coming into operation of this section, being a quarry in respect of which planning permission was not granted under that Part.

(12) The Minister may issue guidelines to planning authorities regarding the performance of their functions under this section and a planning authority shall have regard to any such guidelines.

(13) In this section—

"emission" means—

(a) an emission into the atmosphere of a pollutant within the meaning of the Air Pollution Act, 1987,

(b) a discharge of polluting matter, sewage effluent or trade effluent within the meaning of the Local Government (Water Pollution) Act, 1977, to waters or sewers within the meaning of that Act,

(c) the disposal of waste, or

(d) noise;

"operator" means a person who at all material times is in charge of the carrying on of quarrying activities at a quarry or under whose direction such activities are carried out;

"quarry" has the meaning assigned to it by section 3 of the Mines and Quarries Act, 1965.