



FURTHER MATTERS IN RELATION TO CONTROL OF QUARRIES

Section 261A of the Planning and Development Act 2000

1. Fingal County Council intends to examine every quarry in its administrative area to determine, in relation to that quarry, whether having regard to the Environmental Impact Assessment Directive and the Habitats Directive, one or more than one of the following was required but was not carried out
 - (i) an environmental impact assessment;
 - (ii) a determination as to whether an environmental impact assessment is required;
 - (iii) an appropriate assessment.
2. Where Fingal County Council determines in relation to a quarry that an environmental impact assessment, a determination as to whether environmental impact assessment was required, or an appropriate assessment, was required but was not carried out and the Council also decides that
 - (i) the quarry commenced operation prior to 1 October 1964, or planning permission was granted in respect of the quarry, and
 - (ii) if applicable, the requirements in relation to registration under section 261 of the Planning and Development Act 2000 were fulfilled, the Council will issue a notice to the owner or operator of the quarry requiring him/her to submit an application to An Bord Pleanála for substitute consent, such application to be accompanied by a remedial environmental impact statement or a remedial Natura impact statement or both of those statements, as appropriate.
3. Where Fingal County Council determines in relation to a quarry that an environmental impact assessment, a determination as to whether environmental impact assessment was required, or an appropriate assessment was required, but was not carried out and the Council also decides that
 - (i) the quarry commenced operation on or after 1 October 1964 and no planning permission was granted in respect of the quarry, or
 - (ii) if applicable, the requirements in relation to registration under section 261 of the Planning and Development Act 2000 were not fulfilled, the Council will issue a notice to the owner or operator of the quarry informing him/her that it intends to issue an enforcement notice under section 154 requiring the cessation of the operation of the quarry and the taking of such steps as the Council considers appropriate.
4. Where Fingal County Council determines in relation to a quarry that an environmental impact assessment, a determination as to whether an environmental impact assessment was required, or an appropriate assessment, was required but was not carried out and the Council also determines that the development in question was carried out after 3 July 2008, the Council will issue a notice to the owner or operator of the quarry informing him/her that it intends to issue an enforcement notice under section 154 requiring the cessation of the operation of the quarry and the taking of such steps as the Council considers appropriate.
5. Any person may make submissions or observations in writing, without payment of a fee, to Fingal County Council in relation to any quarry in its administrative area not later than 6 weeks after the date of this notice.
6. Submissions received within the period permitted will be considered by the Council. Submissions received may be made available for inspection by the Council or copies may be made available to persons on request.
7. A copy of any notice issued to the owner or operator of a quarry by Fingal County Council directing him/her to apply to An Bord Pleanála for substitute consent, or informing him/her that the Council intends to issue an enforcement notice under section 154 in respect of the quarry, will be given to a person who made submissions or observations within the period permitted.
8. An owner or operator of a quarry to whom a notice is issued by Fingal County Council, and any person to whom a copy of such a notice is given by Fingal County Council, may apply to An Bord Pleanála, without payment of a fee, for a review of a determination or a decision, or both, referred to in the notice.

Any submissions or observations should be made in writing to, Senior Executive Officer, Planning and Strategic Infrastructure Department, Fingal County Council, County Hall, Swords, Fingal, Co. Dublin, or they can be e-mailed to planning@fingalcoco.ie on or before 19th January, 2012