



Comhairle Chontae na Gaillimhe & Comhairle Baile Bhéal Átha na Sluaighe

Galway County Council & Ballinasloe Town Council



Na hAchtanna um Pleanáil agus Forbairt 2000-2010

Tháinig alt 261A (a cuireadh isteach le halt 75 den Acht um Pleanáil agus Forbairt (Leasú) 2010) den Acht um Pleanáil agus Forbairt 2000 i bhfeidhm ar an **15 Samhain, 2011** agus déileálann an tAlt sin le **Cairéil a Rialú**.

Tugtar fógra leis seo go mbeartaíonn **Comhairle Chontae na Gaillimhe agus Comhairle Baile Bhéal Átha na Sluaighe** an méid seo a leanas a dhéanamh:

- scrúdú a dhéanamh ar gach cairéal ina limistéir feidhme le breith a thabhairt, i ndáil leis an gcairéal sin, ag féachaint don Treoir um Measúnacht Tionchair Timpeallachta agus don Treoir um Ghnáthoga, ar ghá ceann amháin nó níos mó díobh seo a leanas a dhéanamh ach nach ndearnadh í nó é nó iad—
 - measúnacht tionchair timpeallachta;
 - breith a thabhairt i dtaobh an bhfuil gá le measúnacht tionchair timpeallachta
 - measúnacht chúí.
- i gcás go dtabharfaidh an t-údarás pleanála breith i ndáil le cairéal gur ghá measúnacht tionchair timpeallachta, breith i dtaobh an raibh gá le measúnacht tionchair timpeallachta, nó measúnacht chúí, a dhéanamh ach nach ndearnadh í nó é agus go gcinfidh an t-údarás pleanála freisin—
- gur tosaíodh ar an gcairéal a oibriú roimh 1 Deireadh Fómhair, 1964, nó gur deonaíodh cead i leith an chairéil faoi Chuid III den Acht um Pleanáil agus Forbairt 2000 nó Cuid IV den Acht Rialtais Áitiúil (Pleanáil agus Forbairt) 1963, agus
 - más infheidhme, gur comhlíonadh na ceanglais i ndáil le clárú faoi alt 261 den Acht um Pleanáil agus Forbairt 2000, go n-eiseoidh an t-údarás pleanála fógra chuig úinéir nó oibritheoir an chairéil ag ceangal air nó uirthi iarratas ar thoilí ionaid a chur faoi bhráid an Bhoird Pleanála, agus beidh ag gabháil leis an iarratas sin ráiteas leigheasta tionchair timpeallachta nó ráiteas leigheasta tionchair Natura nó an dá ráiteas sin, mar is cúí,
- i gcás go dtabharfaidh an t-údarás pleanála breith i ndáil le cairéal gur ghá measúnacht tionchair timpeallachta, breith i dtaobh an raibh gá le measúnacht tionchair timpeallachta, nó measúnacht chúí, a dhéanamh ach nach ndearnadh í nó é agus go gcinfidh an t-údarás pleanála freisin—
 - gur tosaíodh ar an gcairéal a oibriú roimh 1 Deireadh Fómhair, 1964 agus nár deonaíodh aon chead i leith an chairéil faoi Chuid III den Acht um Pleanáil agus Forbairt 2000 nó Cuid IV den Acht Rialtais Áitiúil (Pleanáil agus Forbairt) 1963, nó
 - más infheidhme, nár comhlíonadh na ceanglais i ndáil le clárú faoi alt 261 den Acht um Pleanáil agus Forbairt 2000, go n-eiseoidh an t-údarás pleanála fógra chuig úinéir nó oibritheoir an chairéil á chur in iúl dó nó di go bhfuil beartaithe aige fógra forfheidhmíocháin faoi alt 154 a eisiúint lena gceanglófar go scoirfead d'oibriú an chairéil agus go ndéanfar cibé bearta is dóigh leis an údarás pleanála is cúí,
- i gcás go dtabharfaidh an t-údarás pleanála breith i ndáil le cairéal gur ghá measúnacht tionchair timpeallachta, breith i dtaobh an raibh gá le measúnacht tionchair timpeallachta, nó measúnacht chúí, a dhéanamh ach nach ndearnadh í nó é agus go dtabharfaidh an t-údarás pleanála breith freisin go ndearnadh an fhorbairt a bheidh i gceist tar éis an 3 Iúil, 2008, go n-eiseoidh an t-údarás pleanála fógra chuig úinéir nó oibritheoir an chairéil á chur in iúl dó nó di go bhfuil beartaithe aige fógra forfheidhmíocháin faoi alt 154 a eisiúint lena gceanglófar go scoirfead d'oibriú an chairéil agus go ndéanfar cibé bearta is dóigh leis an údarás pleanála is cúí,
- go bhféadfaidh aon duine aighneachtaí a dhéanamh i scríbhinn chuig an údarás pleanála nó tuairimí a thabhairt i scríbhinn dó i ndáil le haon chairéal ina limistéar riaracháin, tráth nach déanaí ná 6 sheachtain tar éis an 9 Nollaig, 2011 (**i.e. tráth nach déanaí ná 4i.n. ar an 30 Eanáir, 2012**) nach mbeidh aon táille inioctha i ndáil leis na haighneachtaí a dhéanamh nó na tuairimí a thabhairt agus go mbreathnóidh an t-údarás pleanála na haighneachtaí sóin ná na tuairimí sin,
- go ndéanfar cóip d'aon fhógra a eiseofar chuig úinéir nó oibritheoir cairéil faoin alt seo, á ordú dó nó di iarratas a dhéanamh chuig an mBord Pleanála ar thoilí ionaid nó á chur in iúl dó nó di go bhfuil beartaithe ag an údarás pleanála fógra forfheidhmíocháin faoi alt 154 a eisiúint i leith an chairéil, a thabhairt do dhuine a rinne aighneachtaí, nó a thug tuairimí, tráth nár dhéanaí ná 6 sheachtain tar éis dháta foilsithe an fhógra faoi mhír (a), agus
- go bhféadfaidh úinéir nó oibritheoir cairéil dá n-eisítear fógra, agus le haon duine dá dtugtar cóip den fhógra sin, iarratas a dhéanamh chuig an mBord Pleanála ar athbhreithniú ar bhreith nó ar chinneadh, nó orthu araon, de chuid an údaráis pleanála dá dtagraítear san fhógra agus nach mbeidh aon táille inioctha i ndáil leis an iarratas ar athbhreithniú.

Féadfar aighneachtaí nó tuairimí maidir le hoibriú na gcairéal thuas a chur i scríbhinn chuig an tÚdarás Pleanála laistigh de 6 sheachtain tar éis an 9 Nollaig i.e. tráth nach déanaí ná **4i.n. ar an 30 Eanáir, 2012** (a chuimsíonn 9 lá breise do thréimhse Nollaig 2011) agus iad a dhírú chuig: **Ms Tara Quinn, Pleanálaí Feidhmíocháin, An tAonad Rialaithe Cairéal, Comhairle Chontae na Gaillimhe, Áras an Chontae, Cnoc na Radharc, Gaillimh.**

Sínithe: Kevin Kelly
Stiúrthóir Seirbhís
Pleanáil & Forbairt Imharthana

Dáta: Dé hAoine, 9 Nollaig, 2011.

Planning and Development Acts 2000-2010

Section 261A of the Planning and Development Act 2000 (as inserted by Section 75 of the Planning & Development Act 2010) which deals with the **Control of Quarries** came into effect on **15th November, 2011**.

Notice is hereby given that **Galway County Council & Ballinasloe Town Council** intend;

- to examine every quarry in their administrative areas 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—
 - an environmental impact assessment;
 - a determination as to whether an environmental impact assessment is required;
 - an appropriate assessment.
- where the planning authority 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 planning authority also decides that—
 - the quarry commenced operation prior to 1 October, 1964, or permission was granted in respect of the quarry under Part III of the Planning and Development Act 2000 or Part IV of the Local Government (Planning and Development) Act 1963, and
 - if applicable, the requirements in relation to registration under section 261 of the Planning and Development Act 2000 were fulfilled, the planning authority will issue a notice to the owner or operator of the quarry requiring him or her to submit an application to the 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,
 - where the planning authority 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 planning authority also decides that —
 - the quarry commenced operation on or after 1 October, 1964 and no permission was granted in respect of the quarry under Part III of the Planning and Development Act 2000 or Part IV of the Local Government (Planning and Development) Act 1963, or
 - if applicable, the requirements in relation to registration under section 261 of the Planning and Development Act 2000 were not fulfilled, the planning authority will issue a notice to the owner or operator of the quarry informing him or 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 planning authority considers appropriate,
- where the planning authority 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 planning authority also determines that the development in question was carried out after 3 July, 2008, the planning authority will issue a notice to the owner or operator of the quarry informing him or 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 planning authority considers appropriate,
- submissions or observations may be made in writing to the planning authority in relation to any quarry in its administrative area, by any person, not later than 6 weeks after 9th December, 2011 (i.e. no later than **4pm on the 30th January, 2012**), no fee in relation to the making of the submissions or observations shall be payable and such submissions or observations will be considered by the planning authority,
- a copy of any notice that is issued to the owner or operator of a quarry under this section, directing him or her to apply to An Bord Pleanála for substitute consent or informing him or her that the planning authority intends to issue an enforcement notice under section 154 in respect of the quarry, shall be given to a person who, not later than 6 weeks after the date of the publication of the notice under paragraph (a) made submissions or observations, and
- an owner or operator of a quarry to whom a notice is issued, and any person to whom a copy of such a notice is given, may apply to An Bord Pleanála for a review of a determination or a decision, or both, of the planning authority referred to in the notice and no fee in relation to the application for a review shall be payable.

Submissions or observations regarding the operation of the above quarries may be made in writing to the Planning Authority within 6 weeks from 9th December 2011, i.e. no later than **4pm on the 30th January, 2012** (which includes 9 extra days for the Christmas 2011 period) and should be addressed to: **Ms Tara Quinn, Executive Planner, Control of Quarries Unit, Galway County Council, Áras an Chontae, Prospect Hill, Galway.**

Signed: Kevin Kelly
Director of Services
Planning & Sustainable Development

Dated: Friday, 9th December, 2011.