



# Mining in Ireland

## KEY FEATURES

- Mining is regulated by the State and is undertaken by private industry
- Exclusive right to work minerals is vested in the Minister, who grants State Mining Facilities (Lease or licence) to private enterprise
- Mining proposals require permits from the local Planning Authority and the Environmental Protection Agency
- Mining is subject to Environmental Impact Assessment (EIA)
- Royalties are individually agreed in negotiation between the State and the applicant
- There is no State shareholding in mines

## THE REGULATORY FRAMEWORK

The Minerals Development Acts 1940 to 1999, under the aegis of the Minister for Communications, Climate Action and Environment, govern exploration for and development of all minerals other than ordinary clay, stone, sand and gravel. Petroleum and gas are covered by separate legislation. The Exploration and Mining Division (EMD) of the Department is the regulatory authority for minerals' exploration and development.

The mine permitting process is straightforward and is designed to achieve environmentally responsible mining with long-term economic viability.

Mining is carried out under a "State Mining Facility" which may only be applied for by the holder of a current valid Prospecting Licence over the relevant area. State Mining Facilities are granted when the following permits have been obtained from two other agencies:

- Planning Permission from the Local Authority
- an Integrated Pollution Control (IPC) licence from the Environmental Protection Agency (EPA).

Close contact is maintained between the three agencies. during the permitting process.

### State Mining Facilities

In Ireland, any mineral deposit will be in State or private ownership, or a combination of both. The State owns approximately 60% of all minerals but all gold and silver are State-owned. The exclusive right to work minerals regardless of ownership is vested

in the Minister, subject to a right to compensation fro the mineral owners.

State Mining Facilities take the form of Leases, Licences and Permissions. Whichever facility is granted will depend mainly on the mineral ownership position, but also on the nature of the development.

- A **State Mining Lease** is granted for State-owned minerals.
- A **State Mining Licence** is issued where working a deposit will involve private minerals for which the sole right of working is vested in the Minister.
- Anyone owning such minerals, or substantially affected by the proposal, may make representations to the Minister and/or the Mining Board.
- Relevant mineral owners are entitled to compensation which, in default of agreement, may be determined by the Mining Board, a quasi-judicial body established under the Minerals Development Acts. This is paid by the Minister but recouped from the developer.
- The Board can also adjudicate on claims for compensation for damage to water supplies or surface lands, or nuisance caused by working minerals. This compensation is payable by the holder of the facility.
- A **State Mining Permission** is granted for State owned minerals but only permits the removal of a restricted quantity of the mineral during a limited period. This facility is mainly utilized where working of industrial minerals is concerned, and can be replaced by a State Mining Lease under appropriate conditions.

### General conditions

Whilst the Minerals Development Acts provide for individual agreement of the terms for each State Mining Facility, the general conditions are usually relatively similar. These include:

- a fixed term related to the predicted length of the



operation;

- financial payments, normally consisting of a fixed annual fee, plus a royalty payment related to tonnage produced or revenue - royalties are individually agreed;
- efficient and continuous working to ensure optimum development;
- provisions to protect the rights and safety of third parties;
- sureties to ensure that the site can be fully rehabilitated on closure;
- in cases involving private minerals, indemnification of the Minister against successful compensation claims.

### Requirements

Applicants for State Mining Facilities must:

- Demonstrate that they have the necessary financial and technical capability to work the minerals effectively, and provide for orderly rehabilitation of the mine area when mining has ceased.
- Show that an adequate reserve of minerals has been defined, such as can be reasonably expected to support a viable mining operation.
- Show that they have made arrangements to obtain any necessary ancillary rights, such as access and surface rights.

### Planning Permission

Planning Permission is required under the Local Government (Planning and Development) Act, 2000, for any industrial development, which in the case of a new mine includes both mine development and any associated processing, waste storage facilities and infrastructure. Permission is obtained from the local Planning Authority.

A key requirement is an Environmental Impact Assessment (EIS) which must be prepared by the developer, containing an analysis of the likely effects of the project, including effects on people, flora, fauna, soil, water, landscape, cultural heritage, etc. Only those aspects of the EIS which relate to land use planning are considered within the planning process. Pollution issues are dealt with by the EPA.

Following application, the Planning Authority has two months to

- grant with or without conditions;
- refuse, with reasons;
- ask for further information.

For complex applications such as most mining projects, a request for further information is

common. Once the developer replies, the Planning Authority has a further two months to make its decision. Common planning conditions for mine development would concern replacement of water supplies, upgrading roads, landscaping, control and monitoring of subsidence and provisions (with surety) for closing the operation once the deposit has been mined out. There is a right of appeal against the initial decision to An Bord Pleanála (the Planning Appeals Board). The Board will normally make its decision within four months of the date of the appeal.

### Integrated Pollution Control (IPC) Licence

All aspects of air and water pollution, noise and waste are covered by this required permit from the Environmental Protection Agency, the main objective of which is to prevent or solve pollution problems rather than transferring them from one part of the environment to another. In granting an IPC Licence, the EPA must be satisfied that best available technology not entailing excessive costs (BATNEEC) will be used to prevent or limit emissions, with the emphasis placed on pollution prevention rather than "end of pipe" solutions. The application procedure for an IPCL is analogous to that for Planning Permission, and the same EIS is used.

### Other Requirements

Under the Mines and Quarries Act, 1965, there are statutory obligations with regard to safety, health and welfare, provision of adequate plans, etc. Other permits may also be needed, e.g. for the use of explosives from the Department of Justice and for fire safety from the Local Authority.

### Fees

A fee is payable for any mining facility application. For metalliferous minerals these are currently:

€19,046 plus 13c per tonne of annual output of ore for a new mine or for an area extension of any existing facility where the output is to be increased;

€31,743 if no new process plant is required.

For other minerals: €6,348 if the output will be less than 100,000 tonnes per annum; otherwise €12,697.

### Legislation and Publications

For legislation and publications relevant to Mineral Exploration please visit our website

[www.mineralsireland.ie](http://www.mineralsireland.ie)