



No. 555
LAND EXTRACTION ACT
July 24, 1981

Section 1
Scope of application

This Act shall apply to the extraction of stone, gravel, sand, clay and earth to be transported elsewhere or stored on the site or to be processed, unless otherwise provided in section 2.

In addition to the provisions of this Act, the relevant provisions of other Acts of Parliament shall apply to the extraction of these resources. What is provided in or under the Nature Conservation Act (1096/1996) shall further apply to the granting of permits and to other decisions made by the authorities. (1096/1996).

Section 1a (23.5.1997/463)
Aim of the Act

The aim of this Act is to ensure that land extraction supports the goal of sustainable environmental development.

Section 2
Exceptions to the scope of application

This Act shall not apply to:

- 1) quarrying resources as provided in the Mining Act (503/65);
- 2) taking and using resources extracted during construction work based on permission from an authority or plans approved by an authority; or to
- 3) extraction of resources from a water area for which the Water Act (264/61) requires a permit from a water rights court.

This Act shall not be applied in an area subject to the prohibition on action provided in section 124a of the Building Act (370/58).

Section 3 (23.5.1997/463)
Restrictions on extraction of resources

The resources referred to in this Act shall not be extracted in such a way that:

- 1) beautiful scenery is disfigured;
- 2) natural sites of significant scenic value or distinctive features are destroyed;
- 3) substantial or extensive detrimental changes are caused to natural conditions; or
- 4) the water quality or yield of a major groundwater area or a site otherwise suitable for water supply is endangered, unless an exempting permit is granted under the Water Act.

The quarry shall be located and the extraction arranged so that its detrimental effects on nature and scenery are minimal, natural deposits are used sparingly and economically, and the quarrying constitutes no danger to settlement or to the environment, or any inconvenience that can be avoided at reasonable cost.

Section 4
Permit requirement

A permit is required for the extraction of resources as provided in this Act.

A permit is not necessary if resources are extracted for ordinary household needs for residential, agricultural or silvicultural purposes. The resources shall be used for construction or maintenance of an access route. (23.5.1997/463)

The quarry shall be located and the extraction arranged as provided in section 3, paragraph 2. What is provided in section 3, paragraph 1, shall additionally apply to quarrying that takes place on common property as provided in section 2, subparagraph 2, of the Real Estate Formation Act (554/1995). (23.5.1997/463)

Section 4a (23.5.1997/463)
Overseeing and supervision of land extraction

The Ministry of the Environment shall be responsible for the general overseeing, monitoring and development of activities provided for in this Act.

The regional environment centre shall be responsible within its jurisdiction for overseeing and supervising activities provided for in this Act.

It is the responsibility of the local authority to oversee and supervise land extraction within its municipality. Provisions relating to the local supervising authority are included in section 14.

Section 5
Extraction plan

An extraction plan including details on the extraction of resources and management of the environment, and, if possible, plans for the subsequent use of the land in question, must accompany a permit application. This shall not be necessary if the extent and effect of the undertaking are minor.

In drawing up the plan, the current natural conditions, the amount and type of resources on the site and the project's foreseen impact on the environment and on natural conditions shall be examined in sufficient detail. (23.5.1997/463)

When applying for a permit for a project referred to in the Environmental Impact Assessment Procedure Act (468/94), an environmental impact assessment report shall be appended to the permit application. In so far as this report contains all the necessary information required for the application of this Act, the assessment procedure need not be repeated. (10.6.1994/473)



Section 6 ***Conditions for granting a permit***

A permit for the extraction of resources shall be granted if the proper extraction plan has been presented, and if the extraction or related arrangements are not in conflict with the restrictions provided in section 3. In considering the matter, the effect of the permit regulations shall also be taken into account.

If the project is subject to the Environmental Impact Assessment Procedure Act, the decision shall specify the manner in which the statutory assessment has been taken into account. (10.6.1994/473)

Section 7 (23.5.1997/463) ***Authority granting the permit***

A permit for the extraction of resources is granted by a municipally appointed authority, hereinafter the permit authority. The relevant provisions of the Municipalities Act (365/1995) shall apply to the transfer of these powers.

Before the permit is granted, the permit authority shall request the opinion of the regional environment centre, if:

- 1) the site holds national or other major significance for nature conservation;
- 2) the site is of importance for the protection of waters; or
- 3) the extraction of resources has a direct impact on the land of another local authority.

Other statements of opinion shall be provided for by decree.

Section 8 ***Redemption duty of the local authority and the state***

If a permit for the extraction of resources has been legally denied and the landowner is unable to use his land for agriculture or forestry, construction or other activity yielding a reasonable profit, the local authority, or, in cases where the area has national importance for environmental protection, the State, is obliged to redeem the property if the owner so demands.

Redemption shall be subject to the Act on the Redemption of Immoveable Property and Special Rights (603/77). The relevant provisions of section 97 of that Act shall apply to the procedure.

Section 9 ***Duty to make compensation***

If the extraction of resources reduces the value of an adjacent or nearby property, or causes other loss or inconvenience in the use of the property which is not regarded as minor, the owner or holder of the property has the right to receive full compensation from the extractor for the

inconvenience caused to him by the extraction. The application for compensation shall be made within five years of the occurrence of the loss or inconvenience. If agreement on compensation cannot be reached, the question of the right to compensation will be resolved and compensation determined as provided by the applicable parts of the Act on the Redemption of Immoveable Property and Special Rights in a procedure applied for from the land survey office concerned.

The provisions of paragraph 1 shall also apply to loss or inconvenience caused by extraction of resources without permission, or otherwise contrary to this Act.

Section 10 ***Validity of a permit***

A permit for the extraction of resources shall be granted for a fixed period, but not for more than ten years at a time.

A permit may be granted for a longer period in special cases, but not for more than fifteen years, provided this is considered appropriate in view of the extent of the project, the nature of the extraction plan and other circumstances to be taken into account in the extraction of resources. If the extraction is to occur on a site that is reserved for this purpose in a regional or master plan approved later than 1996, this may be regarded as special grounds for granting a permit. (23.5.1997/463)

If the permit is granted for less than ten years, and part of the resources to which it applies has yet to be extracted when it lapses, the permit may be extended so that its combined period of validity does not exceed ten years. In granting such an extension, the terms of the permit may be revised, or new terms issued. The permit shall not be extended, however, if an injunction referred to in section 124a of the Building Act has come into force in the area. A permit may be extended without requesting the opinions provided for in section 7 and in the Land Extraction Decree. (23.5.1997/463)

Section 11 ***Permit regulations***

A permit to extract land resources must be accompanied by regulations on what the applicant must do to avoid or minimize the damage caused by the project, unless these matters are made clear in the extraction plan. (9.12.1983/928)

Regulations must be issued on:

- 1) the delimitation, depth and form of cutting and quarrying and the direction in which extraction proceeds;
 - 2) protection and clearing of the area during extraction and after; and
 - 3) the preservation and replanting of trees and other vegetation and new planting during extraction and after.
- Permit regulations can also be issued:

- 1) on equipment and traffic arrangements connected with the extraction process, especially with the aim of protecting the groundwater;



2) on the time within which measures ordered under this section shall be taken; and

3) on other measures needed to avoid or minimize the damage caused by the project. (9.12.1983/928)

The regulations must not cause loss, inconvenience or nuisance to the permit holder which can be considered excessive with respect to the extent of the undertaking and the profit gained.

Section 12 (23.5.1997/463)

Provision of surety

The permit authority may require the applicant to provide acceptable surety before beginning extraction for performance of the measures stipulated in section 11.

The permit authority may, as necessary, ratify the amendment of the original surety. On special grounds, the permit authority may require the applicant to provide additional surety if the existing surety is not regarded as an adequate guarantee that the measures in paragraph 1 will be carried out.

Section 13 (23.5.1997/463)

Hearings

Notice of a pending application for a land extraction permit shall be posted on the municipal notice board, and the owners and holders of property within or adjacent to the property containing the quarry shall be given an opportunity to state their case. If the project under application is likely to have a significant impact in a wide area or on the interests of a large number of people, notice shall also be posted in one newspaper that is widely distributed within the locality affected by the extraction. The relevant provisions of section 132a of the Building Act and section 5a of the Building Decree shall apply to hearings. The applicant shall be liable for costs arising from hearings and public notices.

Section 13a (23.5.1997/463)

Release from the permit obligations

If the permit holder's right to extract land resources is transferred to another party, the permit authority shall be notified without delay. The original permit holder shall nevertheless be held accountable for all obligations attached to the permit until another party is accepted in his place by application. The permit authority may require the new permit holder to produce the surety referred to in section 12 before commencing extraction. What is provided in section 13 concerning hearings, and in section 7 and in the Land Extraction Decree concerning the obtaining of opinion shall not apply to a decision of this kind.

Section 14 (23.5.1997/463)

Supervisory authority and threat of action

Compliance with this Act shall be supervised by a municipally appointed authority, hereinafter the supervisory authority. The appropriate provisions of the Municipalities Act shall apply to the transfer of these powers.

If extraction of resources is undertaken in violation of this Act or the rules and regulations issued by virtue of it, or if obligations provided in them are otherwise neglected, the supervisory authority shall require the party in question to observe said provisions and to offset or redress the effects of the extraction or to restore the previous state of the area and to fulfil this duty under threat of fine or having the neglected measure taken at the expense of the defaulting party. If the infringement is minor, measures need not be taken.

Action may be taken to correct the neglected measure even if the party violating or neglecting the obligations of this Act is not the owner or holder of the extraction site.

The provisions of the Act on Conditional Imposition of a Fine (1113/1990) shall otherwise apply to the processing of matters referred to in this section.

Section 15 (23.5.1997/463)

Suspending extraction

If extraction of resources is undertaken contrary to the provisions of this Act or rules and regulations issued by virtue of it, or if their observance is otherwise neglected, the supervisory authority or an officeholder appointed by it can suspend extraction in a manner considered appropriate.

On the condition referred to in paragraph 1, the regional environment centre can suspend land extraction if the site holds national or other major significance for nature conservation, or in an area that is important for the protection of a major groundwater area or an area otherwise suitable for water supply.

The police are obliged to provide executive assistance in the cases referred to in this section.

Section 16

Alterations to permit regulations and cancellation of permits

The authority issuing a permit for extraction may change the permit regulations given under this Act or cancel the permit in cases where:

- 1) the permit regulations have been continuously or otherwise grossly violated;
- 2) extraction of resources has had an unforeseen detrimental effect on the environment, settlement or natural conditions; or
- 3) false or faulty information or reports have been given in the permit application.



Section 16a (23.5.1997/463)
Bankruptcy of the permit holder

If the permit holder is declared bankrupt and the permit is not transferred to another party in accordance with section 13a within six months of the bankruptcy, and the bankrupt's estate has not stated its intention to continue the extraction referred to in the permit, the right to extract resources conferred by the permit shall lapse and the obligations attached to the permit must be fulfilled on the part of those resources that have already been extracted.

If the bankrupt's estate intends to continue extracting resources, a notice to this effect shall be submitted to the permit authority in compliance with the relevant provisions of section 13a.

Section 17
Penal provision

The penalty for inflicting damage on the environment in violation of this Act or provisions or regulations issued thereunder is laid down in Chapter 48, sections 1-4, of the Penal Code. (21.4.1995/705)

Whosoever either wilfully or out of gross negligence, in a manner other than that referred to in paragraph 1, extracts resources without or contrary to the permit required in this Act, neglects to fulfil the obligations specified in the permit or otherwise extracts resources in violation of the provisions of this Act, shall be sentenced to a fine for a land extraction violation. (21.4.1995/705)

Chapter 2, section 16, of the Penal Code shall be applied in declaring forfeit the financial gain resulting from offences, or the object or other property used to perpetrate them, as referred to in paragraphs 1 and 2 above.

Section 18
Notification to the prosecuting authority

Having ascertained the violation or default referred to in section 17, the supervisory authority shall notify the prosecuting authority so that charges may be brought. (23.5.1997/463)

The notification referred to in paragraph 1 may be omitted if the action is considered insignificant under the circumstances and public interests are not considered to be affected to a degree requiring official action.

Section 19
Public notice of the decision

The decisions of the permit authority in matters concerning a permit as provided in this Act shall be issued after public notice. The party concerned is considered to have been informed when the decision is issued. (23.5.1997/463)

Those who have requested notification while the permit handling application is being processed and given their address shall be informed immediately that the permit is granted.

The authority granting the permit shall report all permits for the extraction of resources to the regional environment centre without delay. (23.5.1997/463)

Section 20 (23.5.1997/463)
Appeal

A decision concerning an extraction permit taken by a permit authority on the basis of this Act can be appealed in the Provincial Administrative Court. The right to appeal also belongs to the regional environment centre. What is provided in the Municipalities Act (953/76) shall otherwise apply to appeals.

Other decisions taken on the basis of this Act can be appealed as provided in the Act on the Application of Administrative Law (586/1996).

The appellate authority may make minor amendments to decisions concerning a permit without returning the matter to the permit authority. (23.5.1997/463)

Section 21 (23.5.1997/463)
Compliance with a decision lacking legal force

Extraction of resources may commence when the permit decision gains legal force.

In its decision on extraction of land resources, or even subsequently at the request of the permit holder, the permit authority may nevertheless grant a permit to extract land resources before the decision on the permit gains legal force, if the permit holder provides acceptable surety for compensation of any damage, loss and costs that repeal of the decision or amendment of the permit may cause. The appellate authority may, however, prohibit implementation of the decision.

A decision made by a supervisory authority under section 14 can include provisions requiring observance of the decision before it has gained legal force. The appellate authority can, however, forbid implementation of said decision.

Section 22
Altering the use of protected areas

The manner of use of areas purchased by a local authority or the State under this Act for purposes of protection shall not be altered without compelling reason.

Section 23
Supervision fees and State subsidy

The applicable provisions of section 136 of the Building Act concerning fees to the local authority for the supervision



of building work shall apply to the collection of costs arising from inspection of the permit application and the extraction plan and supervision of extraction. (23.5.1997/463)

Within the State budget, the local authority may be granted a subsidy for costs caused by the redemption of land under section 8 of this Act, or compensation as provided in section 26.

Section 23a (23.5.1997/463)

Reporting duty

The holder of the extraction permit is required to annually notify the permit authority of the amount and type of resources extracted.

The permit authority is required to annually report to the regional environment centre the combined amount and type of resources that have been extracted on the basis of the notifications referred to in paragraph 1.

Section 24

Authority to issue decrees

More detailed provisions on the enforcement and application of this Act will be issued by decree.

Section 25

Entry into force

This Act comes into force on January 1, 1982.

Measures needed to enforce this Act can be taken before it comes into effect.

Section 26

Transitional provision

- Permission for ongoing extraction of land resources no longer applies as of January 1, 1983.

- If permission is denied for extraction of resources undertaken before July 4, 1980, the landowner/holder of usufruct has the right to compensation.

- The ongoing extraction of resources for household needs in progress on June 1, 1997, shall be subject to section 4, paragraph 3, as of June 1, 1998.

- The provisions applicable before the amendment of Act 23.5.1997/463 shall apply to appeals on permit decisions lodged before June 1, 1997.

- The special grounds referred to in section 10, paragraph 2, can include a reservation for extraction purposes in a regional or master plan, provided that sufficient examination of the resources of the site, landscape and ground water conditions have been carried out when drafting the plan.