

Planning applications at or near quarries

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Summary

This OC advises inspectors on dealing with planning applications relating to developments at or near quarries, submitted by Mineral Planning Authorities (MPAs) to HSE for comment.

Introduction

1 The purpose of this circular is to inform FOD inspectors with responsibility for quarries of revised procedures for responding to planning applications relating to developments “at or near quarries”. Although not a statutory consultee HSE should nevertheless be seen to follow good practice which requires a response within 21 days. Recent changes in planning law, and in HSE’s arrangements for liaison with and advice to local planning authorities, make revision of these procedures necessary.

Risks under consideration

2 HSE’s role is to comment on the issues which may give rise to risks to the public or to quarry workers, arising from the proposed development

3 The relevant Departmental guidance to planners is published as Minerals Planning Guidance Note 5, “Stability”, which is intended:

“to advise local authorities, landowners, mineral operators and other developers on the exercise of planning control with respect to stability in surface mineral workings and tips and on good practice in the design, assessment and inspection of excavated slopes and tips. It is complementary to and should be read in conjunction with PPG 14 (Development on unstable land) and PPG 14 Annex 1 (Landslides and planning) and to the Quarries Regulations 1999 and associated Approved Code of Practice. It is intended to ensure that:

- the operation and restoration of surface mineral workings is not detrimentally affected by instability;
- instability does not impact on neighbouring land;
- on cessation of active working, surface mineral workings are left in a safe and stable condition;
- development in, on or near disused and abandoned workings takes due account of potential instability.”

Full text of MPG 5.

4 Another key issue, when considering planning consultations for developments at or near quarries which use explosives, is the potential for flyrock. Investigation into such incidents

has shown that rock fragments may be thrown distances of several hundred metres beyond the quarry boundary.

5 In order to make a meaningful response on these risks the inspector dealing with the consultation needs knowledge and competence in geotechnical engineering, tips and explosives and the relevant legislation, ACOPs and guidance. The need for any site visits in connection with planning applications will be a matter of local judgement in consultation with FOD management.

6 In particular circumstances there may be other quarry-related issues on which HSE wishes to advise when a planning consultation is received.

PADHI+

7 During 2006, HID ran a series of roadshows to roll out to local authorities the web-based decision making tool, "Planning Advice for Developments near Hazardous Installations", or PADHI+. HSE are statutory consultees for developments within the consultation distance of major hazards sites and pipelines, but the PADHI+ tool will also prompt planners to consult on developments at or near quarries, explosives or nuclear sites where HSE has an interest. For quarry-related consultations, PADHI+ generates a letter from the planning authority to HSE, to be forwarded with the relevant paperwork.

8 MPAs have been advised to send any quarry-related applications, or applications relating to developments within 1 km of the permitted quarry boundary, to the Sector at the Cardiff office address. These will be logged and checked to ensure that the consultation is relevant, and that there is adequate content for HSE to make meaningful considerations. If not, the MPA will be asked to provide further details, for example design or geotechnical information.

Action by FOD offices

9 FOD will have local procedures for dealing with planning applications directly by local offices or via HID and managed in accordance with the previous (1996) version of this OC.

10 On receipt of a consultation by the Sector, the Sector Executive Support Officer will contact the relevant QI to ensure that they are available to deal with the application during the 21 day response period. If they are not available the Sector will try to make alternative arrangements. The papers will be sent to the QI to respond directly to the MPA as appropriate, ideally within 21 days.

11 It is anticipated that COIN and the EDRM will allow Sector staff to track progress and view letters etc. without returns needing to be made to the Sector. Records of action taken should be created locally and will not be held by the Sector, other than a simple tracking document which will be used for monitoring numbers and types of applications received. Only information relevant to HSE's interest in the consultation need be retained in local offices, other papers can be returned to the planning authority.

12 In many cases HSE will have no substantive comment to make on planning applications. A suggested standard letter for use in these circumstances is attached as Appendix 1.

13 Inspectors may occasionally be approached by the Sector to provide cover for an adjoining region (e.g. to cover absence or where no QI is in post), if a particular application appears to need a substantive response. Heads of Operations and Band 2 and 3 Inspectors are asked to continue to consider such requests sympathetically if received.

Appendix 1 – Suggested standard letter when HSE has no comment to make

Dear Sir or Madam

Planning consultation – address of proposed development

Thank you for consulting HSE on the above planning application, which relates to development at or near a quarry.

Surface mineral workings are subject to the provisions of the Health and Safety at Work etc Act 1974, the Quarries Regulations 1999 and other health and safety legislation. Enforcement is by the Quarry Inspectors of the Health and Safety Executive. Our primary aim is to prevent the risk of accidents to the workforce and others, including the public, who may be affected by the activities of the quarry.

I have considered the information provided, and as I have not identified any areas of potential conflict with health and safety requirements I have no comment to make.

I am returning the papers for your retention or disposal.

Yours faithfully

Name
HM Inspector of Health and Safety