

Quarries National Joint Advisory Committee (QNJAC)

Information Sheet 6

December 2014

Abandonment or Ceasing of Operations at Quarries

This information sheet has been developed by the Quarries National Joint Advisory Committee (QNJAC) to help quarry operators, contractors, managers and others make health and safety improvements in the quarry industry. This guidance may go further than the minimum you need to do to comply with the law

Approved by the Quarries National Joint Advisory Committee (QNJAC)
(Version 1: Dec 2014)



Target Zero Geotechnical Information Sheet No 6: Abandonment or ceasing of operations at quarries

Definitions used:

“Abandonment” means stopping the use of the quarry (for the extraction or preparation for sale of minerals) with no intention of re-opening the quarry at some time in the future

“Ceasing operations” means suspending the use of the quarry (for the extraction or preparation for sale of minerals) for a significant period of time with the intention of re-opening the quarry at some time in the future”

Application and Notification of quarrying operations:

This guidance is intended to advise on good practice associated with either of the above events and applies to quarries coming under the provisions of the Quarries Regulations 1999 (QR99). The Regulations will continue to apply to any quarry where:

- a) mineral (including coal) is extracted or prepared for sale or;
- b) work is being done to prepare the quarry for abandonment (for example, landscaping) and/or;
- c) where work is being undertaken to prevent water or any other substance flowing into an adjacent quarry.

QR99 does not apply where mineral has not been extracted or prepared for sale for a period of more than 12 months, **except** if works covered under b) or c) (or both) above are being undertaken on site. (See Regulation 4)

The Health and Safety Executive (HSE) must be notified of any of the above events giving the information specified under Regulation 45 of QR99.

The HSE does not need to be formally notified of temporary closure of quarries lasting up to 12 months. It is, however, helpful if quarry operators advise the local inspector in these circumstances. HSE must be notified of quarries that are **abandoned or suspended** for periods of more than a year. (See Regulation 45)

Any quarry that is abandoned or where operations have ceased must be left in a safe condition.

When a quarry closes, any remaining excavations or tips must be left in a safe condition (see QR99 regulation 6(4)). Tips as defined in the Mines and Quarries (Tips) Act 1969 will, on abandonment of the quarry, become Part II tips under that Act, which is enforced through the Environmental Protection Act 1990.

In the case of such tips, the abandonment notification should include the information gathered

during geotechnical assessments. This information should be passed on to the relevant Local Authority who are responsible for enforcing Part II of the Mines and Quarries (Tips) Act 1969.

Restoration

All restoration works must be undertaken in accordance with the QR99. This is especially important as restoration often involves work on previously identified significant hazards, which will have been the subject of previous geotechnical assessments and notifications to the HSE. It is also important to check that the assessments are up to date before restoration works are carried out, otherwise further geotechnical advice may be necessary.

Duties when a Quarry is Abandoned:

See Flow Charts at Appendix 1a and 1b

The closure notification to the HSE should include information gathered during geotechnical assessments. This information will be passed on to the local authority and should include all plans, tipping records, drilling records, plans and cross-sections that are referred to but not necessarily included within the latest assessment. It is also good practice to include all previous assessments and any photographs which show the construction of the geotechnical features.

It is good practice to archive all relevant reports.

If there are any coal workings within the site then the Planning and Local Authority Liaison Department within the Coal Authority is the primary point of contact between the Coal authority and Local Planning Authorities on the coalfields of England, Scotland and Wales on all matters relating to the Coal Authority's interests.

Liaison with the local authorities as soon as possible before abandonment is advisable. The first point of contact should always be the mineral planning authority. In Scotland not all authorities have dedicated mineral planners and the point of contact should be with the chief planning officer.

Leaving the quarry in a safe condition when closed/mothballed:

In the event of the abandonment of, or ceasing of operations, at a quarry, the operator shall ensure that the quarry is left, so far as is reasonably practicable, in a safe condition. (See Regulation 6)

It is normally better if public rights of way can be diverted around quarries. Where diversion is not possible, precautions must be implemented based on a detailed risk assessment of the route and the area around it. Further guidance is available at:

<http://www.safequarry.com/hotTopics/R16ACOP%20revisions%20guidance%20note%20-%20Final%20Doc%202012.doc>

It is good practice for these risk assessments to be passed on to the relevant local authority

with confirmation that any controls measures identified have been put in place.

The risk assessment should be reviewed at intervals determined by experience to ensure that nothing has changed and that the control measures are still in place and effective

Hazards to the general public:

If the quarry is next to a road, footpath or somewhere else that people can easily get access to, then a properly maintained and effective barrier should be provided, otherwise the quarry will become a statutory nuisance as defined. (Section 151 of the Mines and Quarries Act 1954 & Environmental Protection Act 1990)

In Scotland the requirements under the Mines and Quarries Act 1954 are covered in the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008.

Please see Link to QR99 Reg 16 Guidance

<http://www.safequarry.com/hotTopics/R16%20ACOP%20revisions%20guidance%20note%20-%20Final%20Doc%202012.doc>

Barriers should be inspected for trespass or damage at a frequency determined by experience. Inspections may need to be increased during periods of warm weather or school holidays

Where fences are damaged, take a photograph of the fence before and after repair to keep with the record of the inspection. If the damage is suspected to be the result of vandalism, it is good practice to report this to the police and get a crime number.

If Trespass is an issue then the Mineral Products Association offer resources for a 'Stay Safe' campaign that can be run with local schools and youth clubs.

http://www.mineralproducts.org/youth_playsafe01.htm

Countryside and Right of Way Act 2000:

Guidance is available at: <http://www.hse.gov.uk/quarries/country.htm>

A walkover of the site with an officer from the local authority to confirm that they are satisfied with the nature and condition of the site fencing could be useful. A record of any exchange of correspondence confirming the findings of the site visit may be helpful for both parties in the future.

Record Keeping:

The information required under QR99 must be kept available for at least three years. (See Regulation 44).

Requirements under planning permissions:

Before a quarry is abandoned it is recommended that a final visit by the relevant planning authority/ Environment Agency is undertaken, to sign off the work done.

Communications with new owners:

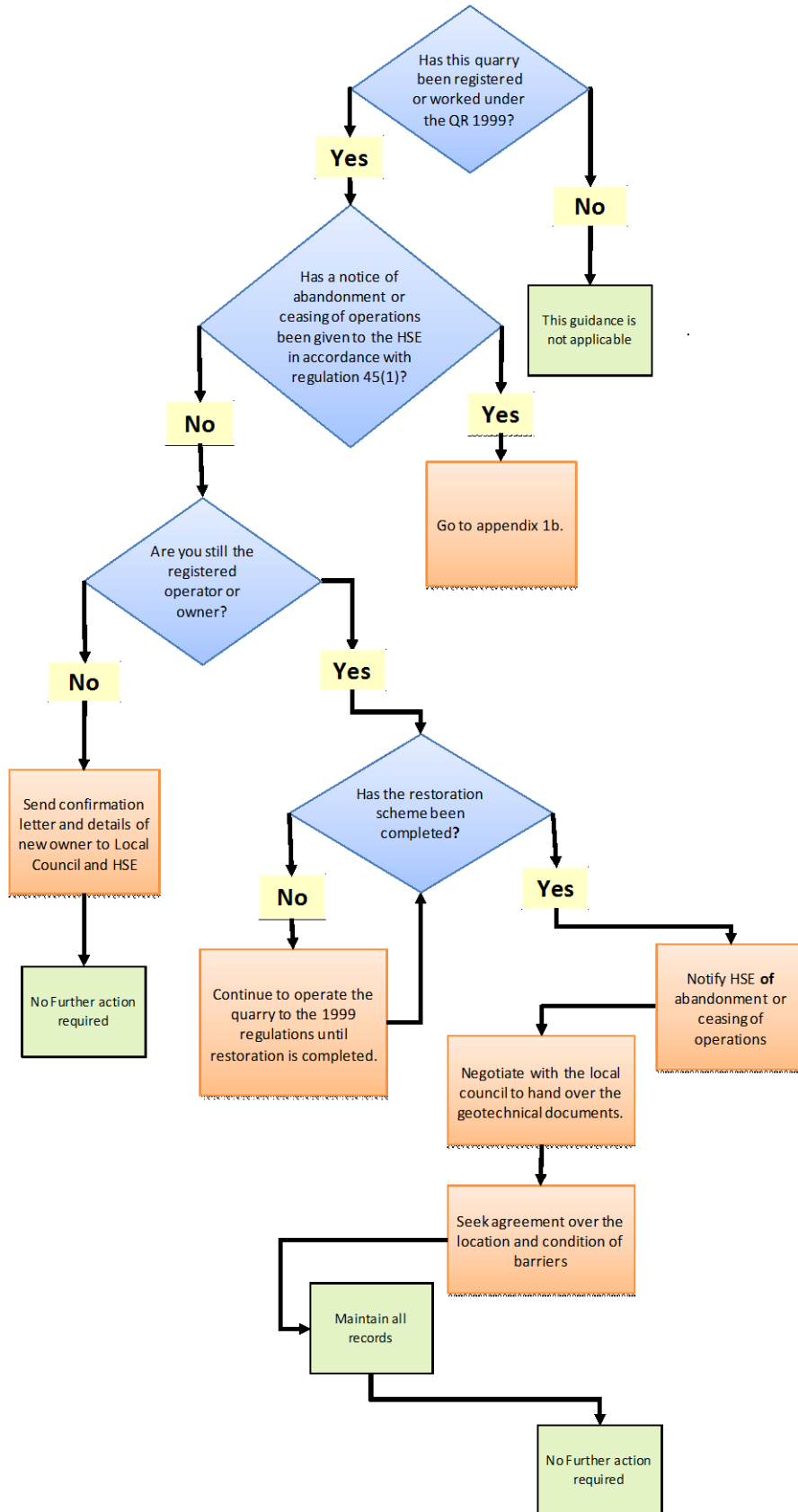
The passing on of the new contact information to owners of significant structures on adjacent land could avoid issues in the future. For example, electricity supply, gas/water pipelines and other services. This is especially important to utility companies with pylons and pipelines close to quarry boundaries.

Removal of signage:

Once the quarry is abandoned and handed over to a new “owner” all company signs and logos should be removed to avoid ownership and responsibility confusion in the future.

This information sheet has been produced by the QNJAC Target Zero Geotechnical, Face & Stockpile Operations Working Group.
It has been approved by the Quarries National Joint Advisory Committee (v 1 date: Dec 2014).

Appendix 1a - Quarry Abandonment or Ceasing of Operations



Appendix 1b - Quarry Abandonment or Ceasing of Operations

