

KEY INFORMATION

Ward Maryfield

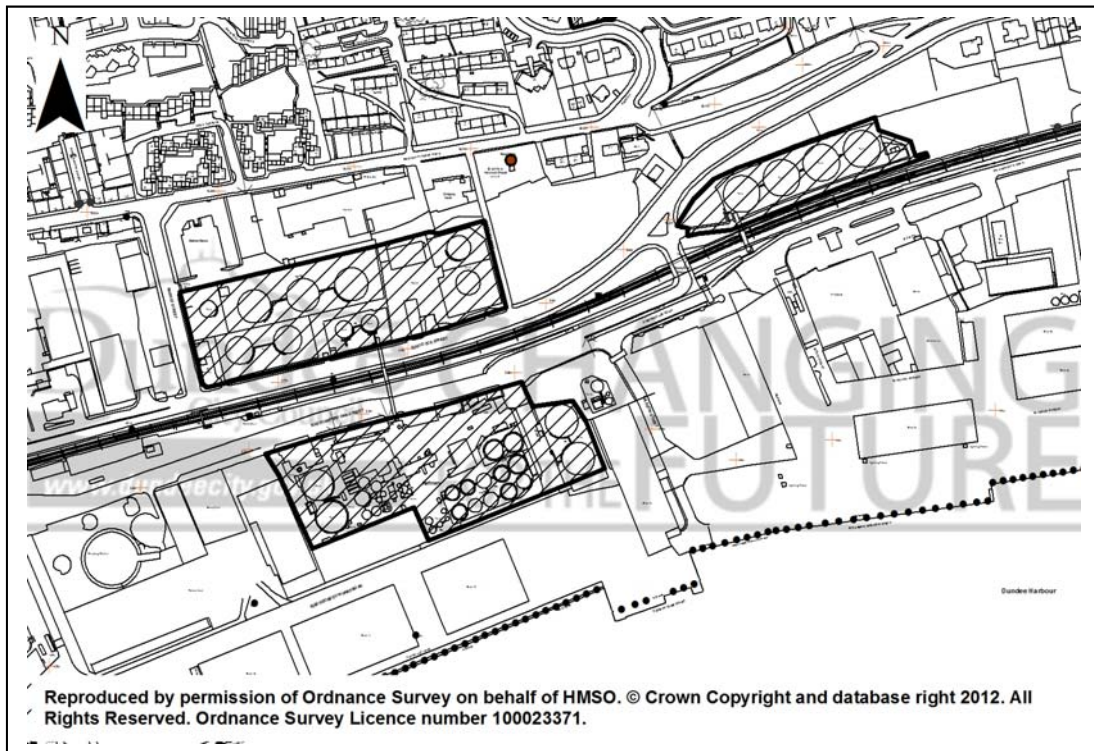
Proposal

The storage and treatment of various mineral oils

AddressNynas UK
East Camperdown Street
Docks**Applicant**Nick Ashton Dundee
Refinery
East Camperdown Street**Agent**

Registered 15 Aug 2012

Case Officer C Walker



Storage of Hazardous Substances at Nynas Refinery

The storage and treatment of various mineral oils is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposal seeks Hazardous Substances Consent for the storage and treatment of crude and heavy fuel oil at the Nynas refinery. The current use is compatible with the provisions of the Development Plan. In addition, the advice of HSE is that the application can be granted consent. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Hazardous Substances Consent is sought by Nynas UK AB for the storage and treatment of mineral oils. The requirement for this application relates to a change in European Law whereby the classification of crude and heavy fuel oil has been changed to fall within the definition of hazardous substances as defined by the Regulations. This requires the Nynas Refinery to obtain Hazardous Substances Consent for these substances.
- According to Nynas, the quantity and type of these oils stored and treated at the refinery has not changed significantly since the early 1990's.
- The site is located in an area allocated within the adopted Dundee Local Plan Review 2005 and the Proposed Dundee Local Development Plan for economic development uses.
- The Health and Safety Executive do not advise against the grant of consent.
- The application was advertised and neighbours were notified but no objections were received.

DESCRIPTION OF PROPOSAL

Hazardous Substances Consent is sought by Nynas UK AB for the storage and treatment of mineral oils. The requirement for this application relates to a change in European Law whereby the classification of crude and heavy fuel oil has been changed to fall within the definition of hazardous substances as defined by the Regulations. This requires the Nynas Refinery to obtain Hazardous Substances Consent for these substances. According to Nynas, the quantity and type of mineral oils stored and treated at the refinery has not changed significantly since the early 1990's. They are seeking consent to store 5,600 tonnes of 36cSt, 65,000 tonnes of Crude Oil and 17,000 tonnes of Heavy Fuel Oil. As part of this application Nynas have indicated that they can reduce the consented amount of highly flammable and flammable liquids on site to just Naptha.

SITE DESCRIPTION

The application site is the Nynas Refinery on East Camperdown Street, extending to the north side of East Dock Street and to the south of East Dock Street east of Roodyards Bridge.

The principal refinery buildings are on the south side of East Camperdown Dock within the operational port area. This area is surrounded by industrial uses including the Port of Dundee offices and JT Inglis and grain stores to the east, dockside storage buildings to the south and a scrap yard and a storm water storage tank to the west. To the north of this area, on the north side of East Dock Street is an area of storage tanks, bounded by Market Street to the west, industrial properties at Market Mews, industrial buildings and the Craigtay Hotel to the north and a motorcycle training centre to the east. Finally there is an area of storage tanks immediately to the east of Roodyards Bridge bounded by the railway track and then the port area to the south, Broughty Ferry Road and the rear of a former hostel (which has consent for conversion to a house) to the north and vacant ground within Nynas ownership to the east.

The closest residential type uses to the site are the Craigtay Hotel and former hostel, some 23 and 98 metres from

storage tanks, albeit on significantly higher ground. The closest existing houses are approximately 100 metres distant on the north and south sides of Broughty Ferry Road.



POLICY BACKGROUND

TAYplan Strategic Development Plan 2012

There are no policies relevant to the determination of this application.



Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 26 - (General Economic Development Areas).

Proposed Dundee Local Development Plan

The following policies are of relevance:

Policy 1 - Principal Economic Development Area.

Scottish Planning Policies, Planning Advice Notes and Circulars

In considering this application reference has been made to the provisions of the Hazardous Substances (Scotland) Act 1997, the Hazardous Substances (Scotland) Regulations 1993 (as amended), the Planning (Major Accident Hazards

(Scotland) Regulations 2000 and to Circulars 5/1993 and 16/1993.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Hazardous Substances Consent was granted to Nynas for the storage and treatment of mineral oils in August 2004 (application ref no 03/00411/HAZ refers).

PUBLIC PARTICIPATION

As required by the appropriate Hazardous Substances Regulations, the applicants undertook to publicise the proposals by advertisement in the Dundee Courier allowing a 21 day period for representations and objections to be lodged with the Council.

In addition, under the Regulations, notifiable neighbours were notified allowing a 21 day period for representations and objections to be lodged with the Council. Statutory owner notification was also undertaken.

As a result of these publicity procedures no representations or objections were received.

CONSULTATIONS

Again, in accordance with the Regulations, the following organisations were formally consulted and their responses are summarised as follows:

Health and Safety Executive - HSE state that the risks to the surrounding population are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. They have asked for conditions to be attached including a requirement that the substances to be kept or used in accordance with the particulars on the application form.

Scottish Natural Heritage - Natural Heritage interests of international importance will not be adversely affected by the proposal.

Scottish Environmental Protection Agency - no objection.

Gas Operator - no response.

Electricity Operator - no response.

Tayside Fire Brigade - no objection.

Emergency Planning Officer, Dundee City Council - no objection.

OBSERVATIONS

The determining issues for the Committee in this instance are prescribed in Section 7 of the Planning (Hazardous Substances) (Scotland) Act 1997. These are:

- 1 Any current or contemplated use of the land subject of the application.

The application site is the existing Nynas UK AB refinery. The application does not seek to change the use of this land or indeed the operations and processes carried out by Nynas. It simply results from the reclassification of mineral oils due to a change in European Law.

The site lies within an industrially designated area and is generally removed from residential property as outlined above. The site is generally secure in accordance with the security requirements of the port authority.

- 2 The use or contemplated use of land in the vicinity.

The surrounding land uses are industrial in nature with a strong port associated relationship. There are no known incompatible land use proposals requiring planning permission relating to land in the immediate vicinity. The housing developments at City Quay, further to the west, are outwith the Consultation Zone recommended by HSE. The residential area on the north side of Broughty Ferry Road, which is within the Consultation Zone, is already built up and there is little or no opportunity for future development.

- 3 Any planning permission already granted for development of land in the vicinity.

Much port related development is exempt from the need for planning permission and there are no known outstanding planning permissions in the vicinity which

might compromise the granting of hazardous substances consent in this instance.

- 4 The provisions of the Development Plan.

The proposed development is compatible with the provisions of the development plan, in this instance Policy 24 of the adopted Dundee Local Plan Review 2005. These policies support developments which are compatible with port related activities within a specifically allocated area. The development is also compatible with Policy 1 of the Proposed Dundee Local Development Plan.

- 5 Any advice given by the Health and Safety Executive.

HSE state that the risks to the surrounding population are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. They have asked for conditions to be attached including a requirement that the substances to be kept or used in accordance with the particulars on the application form. Nynas have been consulted and are happy with the proposed conditions.

In addition to the above statutory considerations, other material considerations in dealing with the application are:

- 1 Objections and representations received as a result of consultation.

No objections or representations were received from consultees.

- 2 Objections and representations received from the general public.

No objections or representations were received from members of the public.

Design

There are no design implications as the proposals are for the continuation of existing uses within existing buildings and structures.

CONCLUSION

The proposal does not involve any development or changes to the substances being stored or treated at

the Nynas refinery. The current use is compatible with the provisions of the development plan. In addition the advice of HSE is that the application can be granted consent.

RECOMMENDATION

It is recommended that Hazardous Substances consent be GRANTED subject to the following conditions:

- 1 The Hazardous Substance(s) shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of this application.
- 2 The tanks listed in Table C of the application shall not store substances with a flash point below 55 degrees Celsius, apart from tank 59, which shall be the sole storage for Naphtha.
- 3 The tanks listed in Table C of the application shall not be operated above the flash points of the stored substances or above atmospheric pressure.

Reasons

- 1 To ensure that the Hazardous Substances are kept in accordance with the application particulars and that the Council has the opportunity to consider any changes to the current operations on the site.
- 2 To ensure that the Hazardous Substances are kept in accordance with the application particulars and that the Council has the opportunity to consider any changes to the current operations on the site.
- 3 To ensure that the Hazardous Substances are kept in accordance with the application particulars and that the Council has the opportunity to consider any changes to the current operations on the site.