

Storage and Treatment of Hazardous Substances

KEY INFORMATION

Ward Lochee

Address

Vericore Ltd Warehouse and Laboratory
Dunsinane Avenue
Dunsinane Industrial Estate

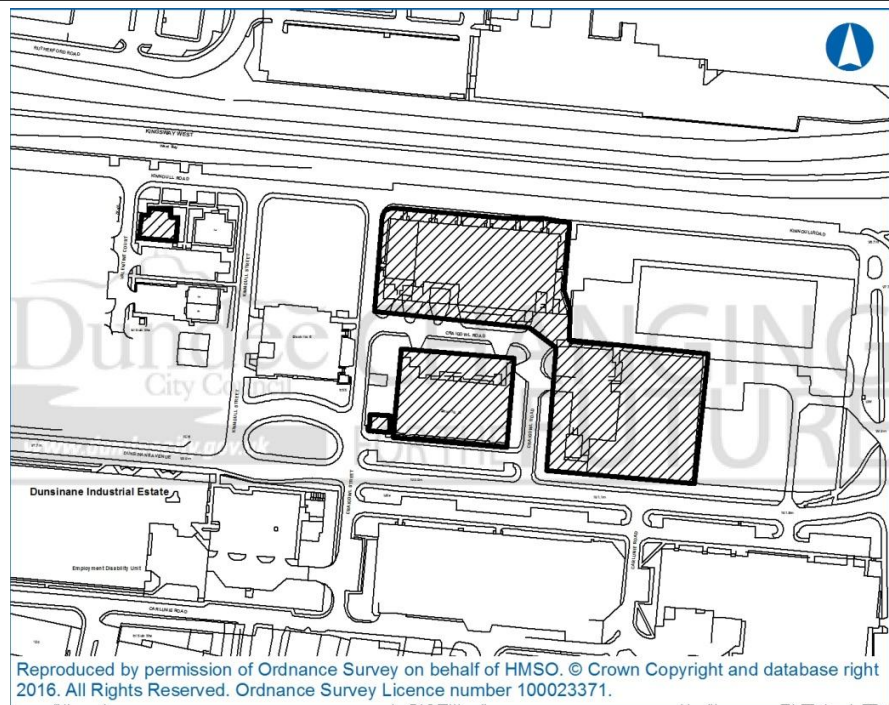
Applicant

Vericore Ltd (Elanco) Kinnoull Road
Dunsinane Industrial Estate
Dundee

Agent

Registered 3 June 2016

Case Officer David Gray



SUMMARY OF REPORT

- Vericore Ltd (Elanco) seeks Hazardous Substances Consent to store and process E1 and E2 substances on their site at Kinnoull Road, between the Kingsway and Dunsinane Avenue within the designated Principal Economic Development Area.
- E1 and E2 are groups of environmentally hazardous substances which require Hazardous Substances Consent when present over a certain threshold because they can be harmful to the aquatic environment.
- The Health and Safety Executive, and Scottish Environment Protection Agency have no objection to the application.
- There are no significant reasons for refusing Hazardous Substances Consent.
- More details can be found at:
<http://idoxwam.dundeeccity.gov.uk/idoxpaweb/applicationDetails.doactiveTab=documents&keyVal=O85H6IGC06600>.

RECOMMENDATION

There are no significant reasons, on safety grounds, to refuse the application. The application for Hazardous Substances Consent is therefore recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

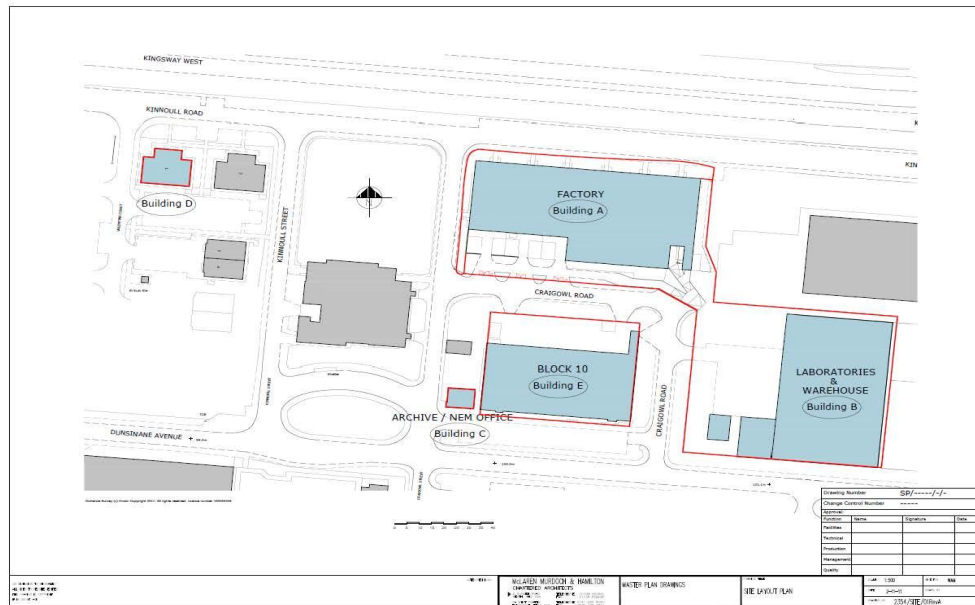


Figure 1 – Substance Location Plan

- 1.1 Hazardous Substances Consent is sought by Vericore Ltd (Elanco) for the storage and industrial processing of 195 tonnes of E1 substances and 290 tonnes of E2 substances on the site. E1 and E2 are groups of environmentally hazardous substances, controlled under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 because they can be harmful to the aquatic environment. Hazardous Substances Consent is required to store/process more than 100 tonnes of E1 substances and more than 200 tonnes of E2 substances. This application is not for individual substances, but for the storage and processing of substances within those two groups. However, the particular substances the applicant proposes are predominantly insecticides, antibiotics, antiparasitics, antifungals, antioxidants and feed additives.
- 1.2 The Substances Location Plan indicates that the substances will be used in a manufacturing, treatment or industrial process within the existing factory (Building A). The Laboratories and Warehouse (Building B) will be used to store the substances.
- 1.3 The applicant states that the current application is a result of the substances they carry being brought under the Control Of Major Accident Hazards (COMAH) Regulations 2015, which came into force last year, and because they have increased the amount of such substances they have present on site. The applicant therefore requires to notify their qualifying quantities of hazardous substances to the Competent Authority (Health and Safety Executive in this instance).

2 SITE DESCRIPTION

- 2.1 The site is located on the Dunsinane Principal Economic Development Area between Dunsinane Avenue to the south and the Kingsway to the north. The site comprises five main buildings: a factory; a laboratory/warehouse; a packaging storage block; an archive and an office building.
- 2.2 The existing business on the site is involved in the process of veterinary and pharmaceutical products for global distribution. The surrounding area is predominantly industrial in nature, with industrial premises surrounding the site to the south and east. There is a car sales forecourt on the opposite side of the Kingsway to the north. The vacant site of the former Valentine Works is located to the west.
- 2.3 The nearest residential properties to the site are those 230m to the south on Lansdowne Square and the nearest main watercourses are the Gelly Burn (800m to the north), Lochee Burn (950m to the south), and Dens Burn (1,000m to the east).



Figure 2 – Site Photo



Figure 3 – Site Photo

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN 2014

Policy 1: Principal Economic Development Areas

Policy 46: Development of or Next to Major Hazard Sites

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

In considering this application reference has been made to the provisions of the Hazardous Substances (Scotland) Act 1997, the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015, the Control of Major Accident Hazards Regulations 2015. Circular 3/2015: Planning Controls for Hazardous Substances also provides guidance for dealing with applications for Hazardous Substances Consent

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Hazardous Substances Consent application 16/00027/HAZ for the storage and treatment of substances on the site was withdrawn in June 2016 prior to its determination. That application proposed 175 tonnes of E1 substances and 130 tonnes of E2 substances.

5 PUBLIC PARTICIPATION

- 5.1 The Council has followed the statutory neighbour notification procedures contained in Regulation 9 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015. The application has also been advertised in accordance with Regulation 10.

6 CONSULTATIONS

In accordance with Regulation 14, the following organisations have been consulted on the application:

- 6.1 **The Health and Safety Executive** – has no objection to the application, stating that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent.
- 6.2 **Scottish Environment Protection Agency** – has no objection to the application.
- 6.3 **Scottish Natural Heritage** – offered no response.
- 6.4 **Scottish Gas** – offered no response.
- 6.5 **Scottish Fire and Rescue** – offered no response.
- 6.6 **Police Scotland** – offered no response.
- 6.7 **The Head of Community Safety and Protection** - has no objection subject to the main site drainage being repaired and maintained in accordance with the recommendations of the submitted Environmental Sensitivity Review to limit the potential for any on site spills or leaks to impact the underlying soil and groundwater.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

- 7.2 The determining issues are prescribed in Section 7 of the Planning (Hazardous Substances) (Scotland) Act 1997 which states that in dealing with an application for Hazardous

Substances Consent the planning authority shall have regard to any material considerations, and in particular:

A - ANY CURRENT OR CONTEMPLATED USE OF THE LAND TO WHICH THE APPLICATION RELATES

- 7.3 The application site is the existing premises used by the applicant for the storage and process of animal health and pharmaceutical substances. The storage and processing of materials is an appropriate use of the site in this location. The application does not seek to amend the current land use or the operations carried out by the applicant. The application simply seeks to regulate the storage and processing of lower tier hazardous substances that the applicant now has present on their site in line with current legislation.

B - THE WAY IN WHICH LAND IN THE VICINITY IS BEING USED OR IS LIKELY TO BE USED

- 7.4 The site is located within a designated Principal Economic Development Area, where business, industrial and storage/distribution land uses are supported. The majority of the surrounding land uses are in such uses, and Local Development Plan policies resist other uses in the area. The storage and processing of substances is compatible with the balance of uses in the surrounding area, and the nature of the industrial area is not likely to significantly change.

C - TO ANY PLANNING PERMISSION THAT HAS BEEN GRANTED FOR DEVELOPMENT OF LAND IN THE VICINITY

- 7.5 Planning permission (reference 15/00908/FULM) has been granted for a car dealership, workshop, vehicle compound and wash and valet bays on the site of the former Valentine Works to the west of the site. Planning permission (reference 15/00634/FULL) has also been granted for a light industrial building on land to the south of Dunsinane Avenue between Craigowl Street and Carlunie Road.
- 7.6 Neither of those approved developments are of a sensitive nature or would be adversely affected by the storage and processing of the particular group of hazardous substances proposed.

D - TO THE PROVISIONS OF THE DEVELOPMENT PLAN

- 7.7 **Policy 1 of the Dundee Local Development Plan (Principal Economic Development Areas)** - safeguards land for Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) uses. It states that other uses will be resisted.
- 7.8 The use of the land, the storage and processing of materials is consistent with Policy 1.
- 7.9 **Policy 46 (Development of or Next to Major Hazard Sites)** - states that the siting of new or extensions to existing hazard sites will not be permitted close to residential areas and/or areas of public use or interest, where the risk to people or the environment is likely to be significantly increased.
- 7.10 The site is located 230m away from the nearest residential property, areas of significant public use or interest are located further away and these include Camperdown Park (800m to the west) and Lochee Harp Football Club (600m to the east). The storage and processing of E1 and E2 substances would not be likely to significantly affect these areas given the separation distances involved.

- 7.11 The risk with E1 and E2 substances is the potential hazard they present to the aquatic environment and therefore provided the substances are prevented from entering the water environment, there would be no significant harm to the environment. The main risk of contamination is through drainage. The applicant provided an Environmental Sensitivity Review which concluded that whilst there are limited environmentally sensitive land uses within 1km of the site, there are a number within 10km. These include Camperdown and Templeton Woods Country Park and the Firth of Tay and Eden Estuary Special Area of Conservation, and it is recognised that a significant incident on site may have the ability to impact on these areas.
- 7.12 The Environmental Sensitivity Review confirmed that the site drainage comprises combined drains that feed into the main sewer under a Trade Effluent Discharge Permit. It is recommended that repairs to the main site drainage system were undertaken and that annual checks take place thereafter. The Head of Community Safety and Protection has requested a condition to that effect, and neither SEPA nor HSE have any objection to the application in terms of the risk to the environment. The applicant states that the Level 5 repairs (the most urgent) have already been undertaken and that isolation valves have been fitted to the drains to allow them to be closed in the event of an emergency to eliminate the risk of discharge to the public sewer. For these reasons, the risk to the environment is not likely to be significantly increased by the approval of this application.
- 7.13 The proposal meets the requirements of Policy 46 subject to the insertion of conditions on the Decision Notice.

E - ANY ADVICE PROVIDED BY THE HEALTH AND SAFETY EXECUTIVE

- 7.14 HSE has no objection to the application, stating that the risk to the surrounding population is so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. HSE has requested a condition for a requirement that the substances to be kept or used in accordance with the particulars on the application form and Substances Location Plan. HSE has also set a Consultation Distance of 'zero' metres for considering future land uses in the area. This indicates that the approval of Hazardous Substances Consent on this site would not adversely affect any future land uses in the vicinity of the site.

OTHER MATERIAL CONSIDERATIONS

- 7.15 The proposal satisfies the particular requirements of the material considerations specified in Regulation 7.
- 7.16 There are no other relevant material considerations to be taken into account in the determination of this application.
- 7.17 **It is concluded from the foregoing that the material considerations support the approval of planning permission. It is therefore recommended that planning permission be granted with conditions.**

8 CONCLUSION

- 8.1 Regard has been had to Section 7 of the Planning (Hazardous Substances)(Scotland) Act 1997 and there are no material considerations that would justify refusal of the presence of E1 and E2 substances on the site. Therefore, it is therefore recommended that Hazardous Substances Consent be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage of the substances on the plans which formed part of the application, specifically the Substance Location Plan appended to Application 16/00500/HAZ.
 - 2 That no more than a combined total of 195 tonnes of E1 substance, and no more than a combined total 290 tonnes of E2 substance be present within the site at any one time.
 - 3 The main site drainage shall be repaired and maintained in strict accordance with the recommendations of the submitted Environmental Sensitivity Review, by Mabbett, dated 23 October 2014 to limit the potential for any on site spills or leaks to impact the underlying soil and groundwater.

REASONS

- 1 To minimise risk to health and safety.
- 2 Pursuant to Section 4 of the Planning (Hazardous Substances) (Scotland) Act 1997 as amended.
- 3 To minimise the risk of impact on the environment.