

# The Storage and Treatment of Substances

## KEY INFORMATION

**Ward** Lochee

### Address

Warehouse and Laboratory  
Dunsinane Avenue  
Dunsinane Industrial Estate

### Applicant

Argenta Dundee Ltd  
Kinnoull Road  
Kingsway West  
Dundee DD2 3XR

### Agent

**Registered** 8 March 2018

**Report by:** Executive  
Director of City Development



## SUMMARY OF REPORT

- Argenta Dundee Ltd 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 raised no objection to the application.
- There are no significant reasons for refusing Hazardous Substances Consent.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/simplesearchresults.do?action=firstpage>.

## 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.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Hazardous Substances Consent is sought by Argenta Dundee Ltd for the storage and industrial processing of 500 tonnes of E1 substances and 500 tonnes of E2 substances on the site. There is a current hazardous substances consent for 195 tonnes of E1 substance and 290 tonnes of E2 substance, this application seeks a variation to the quantity of hazardous substance that may be held on site. The change is as a result of the reclassification of a raw material used in the applicant's products which has resulted in those products being classed as hazardous to the environment. The maximum capacity of individual moveable containers is proposed as 1 cubic metre each of E1 and E2 within the warehouse factory and yard.
- 1.2 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.
- 1.3 Argenta Dundee Ltd is a wholly owned subsidiary of Argenta New Zealand and is involved in the formulation of Veterinary Pharmaceutical Products. The Argenta Dundee site has facilities for the manufacture of Oral liquid products and Ectoparasiticides, and was purchased from Elanco Animal Health in April 2017. The main processes are based on the mixing of raw materials in water or organic solvent to produce a finish product which is filled, labelled and packaged for worldwide distribution. The main production building comprises a non-sterile bulk liquids department and label and packing department. Administrative functions and quality assurance are also located in the same building. A separate warehouse facility is located approximately 150 metres away from the main building. The warehouse is used to store raw material, containers and packaging as well as finished product awaiting quality control release. There is another small building which is used to store flammable products which is located adjacent to the warehouse. The warehouse building is adjoined by quality control laboratories in which raw materials and finished goods are tested for quality and conformity.
- 1.4 The materials would arrive in combination packages, drums and intermediate bulk containers (IBCs). Materials are mainly transported off site as finished goods packaged in combination packages with inner package sizes ranging from 0.2L to 5L. Some products would be shipped in 10L and 20L drums.
- 1.5 The Substances Location Plan indicates that the substances will continue to be used in a manufacturing, treatment or industrial process within the existing factory (Building A). The Warehouse (Building B) will continue to be used to store the substances. The application is to cover an increase in consented volumes, processes and production volumes are not changing, although an element has been factored in to the requested figures to allow for future increases.

“Substance location plan” is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies-

- (a) any area of land intended to be used for the storage of the substance;  
**Warehouse Building B**
- (b) where the substance is to be used in a manufacturing, treatment or other industrial process, the location of the major items of plant involved in that process in which the substance will be present; and **Factory Building A**
- (c) access points to and from the land.

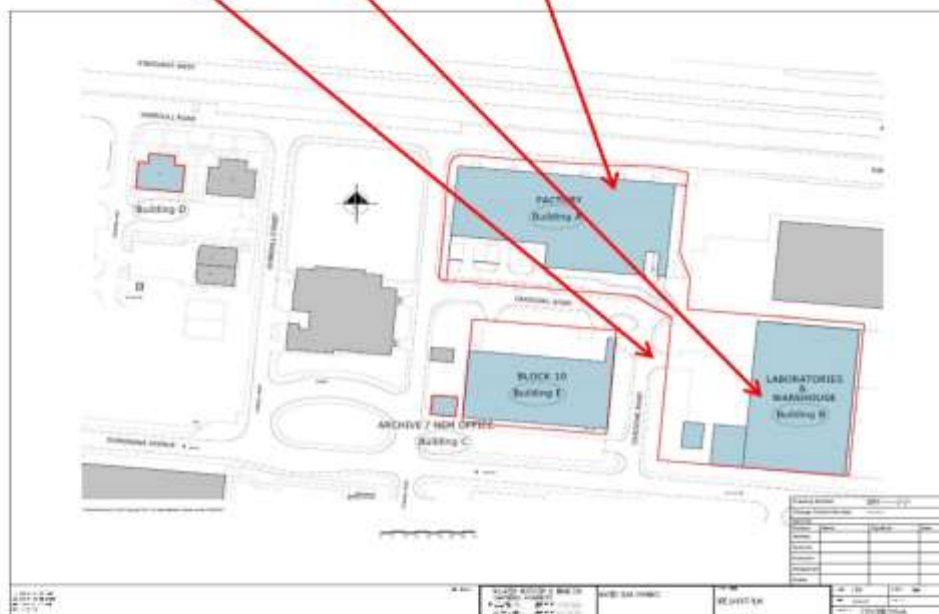


Figure 1 – Substance Location Plan

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## 2 SITE DESCRIPTION

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- 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, now incorporating a car showroom.
- 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

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### 3 POLICY BACKGROUND

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

**DUNDEE LOCAL DEVELOPMENT PLAN REVIEW 2014**

Policy 1: Principal Economic Development Areas

Policy 46: Development of or Next to Major Hazard Sites

**PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN REVIEW 2**

Policy 3: Principal Economic Development Areas)

Policy 42: 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.

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### 4 SITE HISTORY

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- 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.
- 4.2 Hazardous Substances Consent application 16/00500/HAZ for the storage and treatment of substances on the site was then approved in September 2016 for 195 tonnes of E1 substance and 290 tonnes of E2 substance.

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### 5 PUBLIC PARTICIPATION

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- 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. No comments have been received.

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### 6 CONSULTATIONS

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- 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. A condition to any Hazardous Substance Consent granted is recommended to ensure that the hazardous substances are kept as per the particulars provided on the application form.
- 6.2 **Scottish Environment Protection Agency** – no comments received.

- 6.3 **Scottish Natural Heritage** - have no comments to make as no natural heritage would be affected.
- 6.4 **Scottish Gas** - no comments received.
- 6.5 **Scottish Fire and Rescue** - no comments received.
- 6.6 **Police Scotland** - have no comments to make.
- 6.7 **The Head of Community Safety and Protection** - has stated that there are no reasons to object. A condition is recommended to any consent granted to ensure that the site drainage is in accordance with the Environmental Sensitivity Review.

## **7 DETERMINING ISSUES**

- 7.1 **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**

- 7.2 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 upper 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**

- 7.3 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 OR DEVELOPMENT CONSENT THAT HAS BEEN GRANTED FOR DEVELOPMENT OF LAND IN THE VICINITY**

- 7.4 Planning permission (reference 18/00147/FULL) has been granted for the erection of 8 industrial units, in May 2018 within the vicinity of the current application site. This approved development is not of a sensitive nature and would not be adversely affected by the storage and processing of the particular group of hazardous substances proposed.

### **D - THE PROVISIONS OF THE DEVELOPMENT PLAN**

### **THE DEVELOPMENT PLAN**

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

- 7.5 **Policy 1: 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.
- 7.6 The use of the land for the storage and processing of materials is consistent with Policy 1.
- 7.7 **The proposal satisfies Policy 1.**
- 7.8 **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.
- 7.9 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 (800m 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.
- 7.10 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. There is no information that suggests any potential sensitivity of the surrounding environment. In particular there is no known drainage providing routes to water bodies and no known habitats designated for conservation/biodiversity value in close proximity to the site.
- 7.11 The applicant states that there is no information that suggests any potential sensitivity of the surrounding environment. In particular there is no known drainage providing routes to water bodies and no known habitats designated for conservation/biodiversity value in close proximity to the site. The applicant has also reported that there are no known neighbouring sites that would have an impact on the risk or consequence of a major accident. An environmental sensitivity assessment has been carried out.
- 7.12 Measures proposed to limit the consequences of a major accident include emergency plans developed along with the environmental risk assessment and general site improvements. Staff would be trained in spillage procedures and handling of materials used on site. Recent notification has been made to the Health and Safety Executive (HSE) that the site has become an Upper tier COMAH site due to a further reclassification of raw materials and associated products which will have meant that there has been an increase in hazardous substances. An intervention plan has been developed and implemented to reduce overall risk. A safety Report including a Major Accident Prevention Policy has been produced and submitted to the Competent Authority (HSE) for evaluation. The manufacturing area (Building A) has the largest single volume containers at 10000 Litres which are housed within a bunded area.
- 7.13 The application is in line with upper tier COMAH notification for the volume of Environmental Hazard materials held on site at any given time.
- 7.14 The Environmental Sensitivity Review confirmed that the site drainage comprises combined drains that feed into the main sewer under a Trade Effluent Discharge Permit. The Review 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 recommended that the condition to that effect appended to the previous approval is retained.



- 7.15 **With the addition of a condition, the proposal would satisfy Policy 46.**
- 7.16 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

#### **E - ANY ADVICE PROVIDED BY THE HEALTH AND SAFETY REGULATOR**

- 7.17 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 do not consider it appropriate to generate or publish Consultation Zones for this case. 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.
- 7.18 **The proposal satisfies the particular requirements of the material considerations specified in Section 7 of the Planning (Hazardous Substances) (Scotland) Act 1997.**

#### **OTHER MATERIAL CONSIDERATIONS**

- 7.19 The other material considerations to be taken into account are as follows:

##### **A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2**

- 7.20 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.21 The proposed Dundee Local Development Plan 2 will in time replace the adopted Dundee Local Development Plan, 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan, 2014 (along with TAYplan) constitutes the statutory Development Plan, the proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.22 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.
- 7.23 There are no material differences in policy between the adopted and proposed local development plans that would justify refusal of the application. The requirements of Policies 3 and 42 of the Proposed Dundee Local Development Plan are also satisfied.
- 7.24 **It is concluded from the foregoing that the material considerations support the approval of hazardous substance consent.**

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## **8 CONCLUSION**

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- 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. It is therefore recommended that Hazardous Substances Consent be granted subject to conditions.

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## 9 RECOMMENDATION

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

- 1 **Condition** – 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 areas marked for storage and use on the plans submitted within the application form showing the locations marked for the storage and processing of the substances under this application.

**Reason** – to minimise the risk to health and safety.

- 2 **Condition** – no more than a combined total of 500 tonnes of E1 substance, and no more than a combined total 500 tonnes of E2 substance be present within the site at any one time.

**Reason** - pursuant to Section 4 of the Planning (Hazardous Substances) (Scotland) Act 1997 as amended.

- 3 **Condition** – the main site drainage shall be repaired and maintained in strict accordance with the recommendations of the submitted Environmental Sensitivity Review for the site, to limit the potential for any on site spills or leaks to impact the underlying soil and groundwater.

**Reason** – to minimise the risk of adverse impact on the environment.