

The Storage of Agricultural Fertilisers

KEY INFORMATION

Ward Maryfield

Address

Sheds 10 & 11
Land to South of King
George V Wharf

Applicant

Angus Horticultural Services
Ltd, Brechin

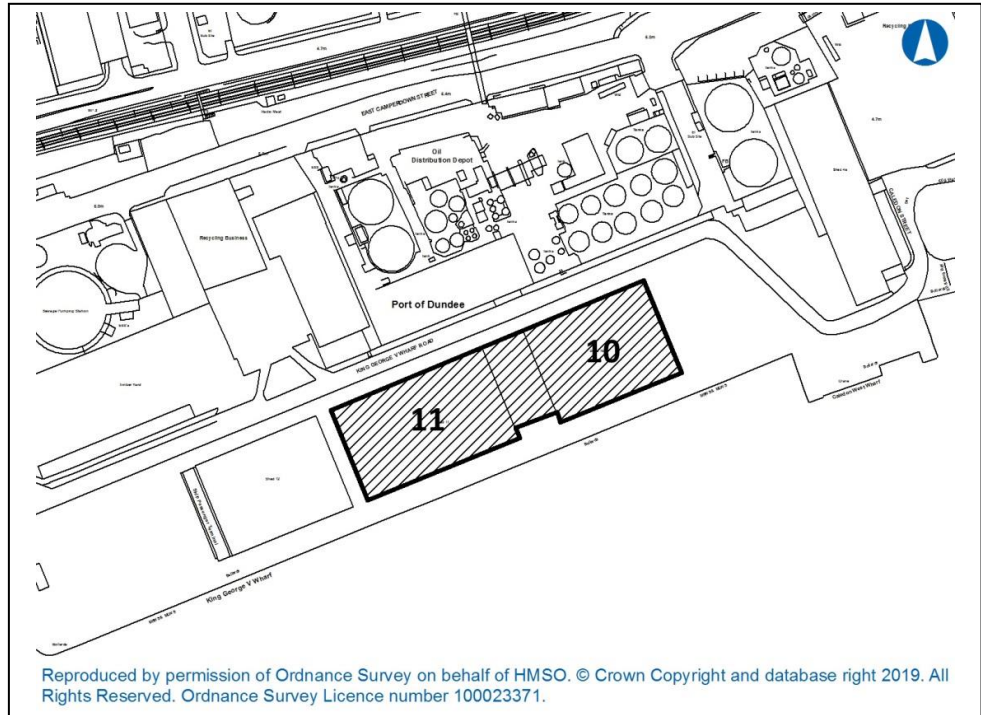
Agent

N/A

Registered 4 Dec 2018

Report by: Head of Planning
& Economic Development

Contact: Sharon Dorward



SUMMARY OF REPORT

- Angus Horticultural Services Ltd seeks Hazardous Substances Consent to increase the quantity of ammonium nitrate (fertiliser grade) stored on their site at Dundee Port within the designated Principal Economic Development Area.
- Ammonium nitrate (fertiliser grade) is defined by Part 2 of Schedule 1 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 as a hazardous substance with a controlled quantity of 1,250 metric tonnes.
- The Health and Safety Executive, Scottish Environment Protection Agency and Scottish Natural Heritage 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.

1 DESCRIPTION OF PROPOSAL

- 1.1 Hazardous Substances Consent is sought to increase the storage of ammonium nitrate from below the allowed “controlled quantity” of 1,250 metric tonnes (Mt) at any one time, to a maximum of 3,000 Mt of ammonium nitrate, in two bays of bulk product within Shed 11.
- 1.2 Angus Horticultural Services Ltd receive shipments and store “fertiliser grade” (not capable of self-combustion) ammonium nitrate. Ammonium nitrate is listed in Part 2 of Schedule 1 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015, with a “controlled quantity” of 1,250 metric tonnes.
- 1.3 The increase in the quantity of ammonium nitrate to be stored is required because the size of shipments from the manufacturer, Yara (UK) Ltd, to Angus Horticultural Services Ltd are proposed to increase.

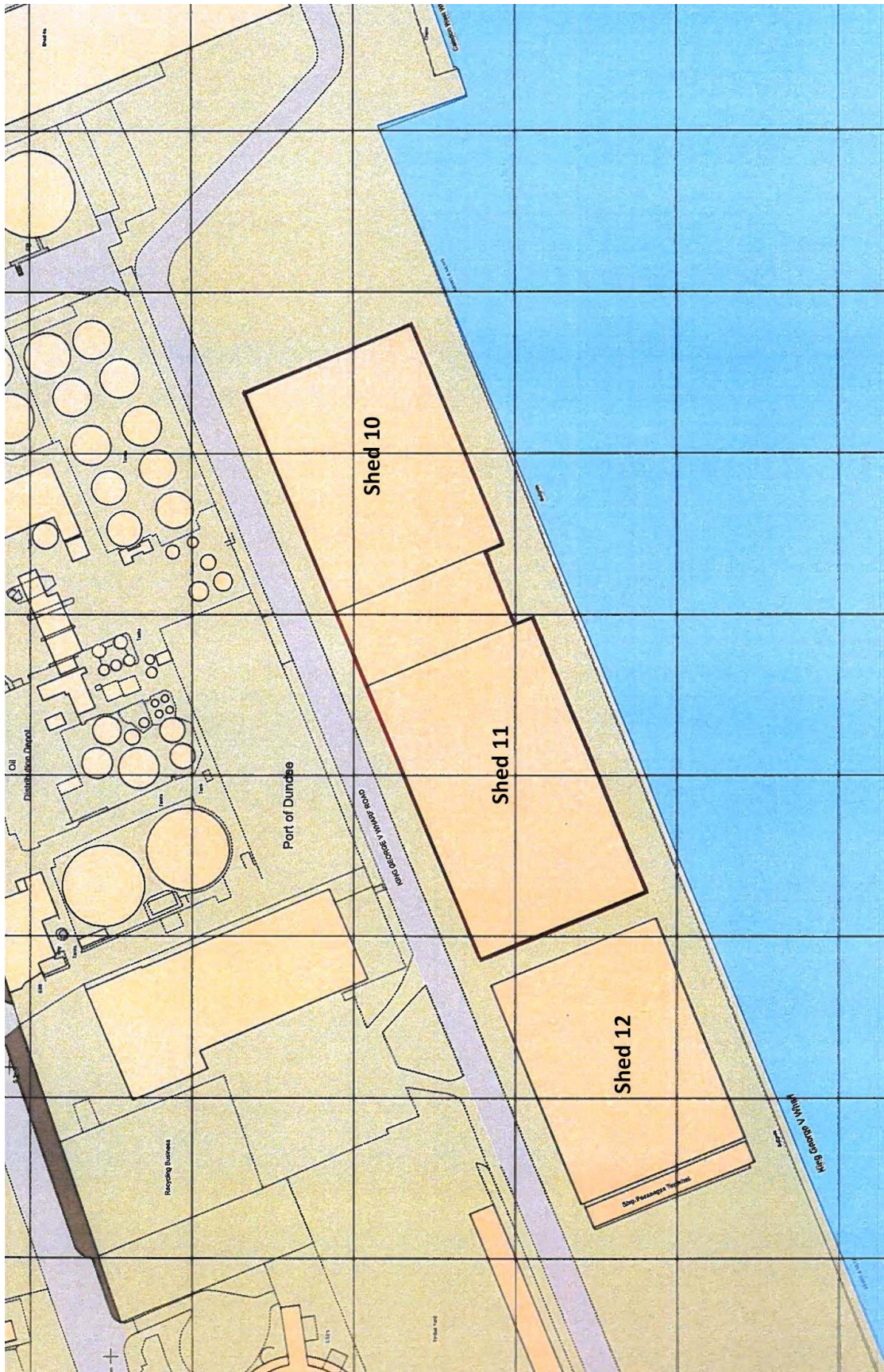


Figure 1: Site Plan

2 SITE DESCRIPTION

- 2.1 The application site is located within the Port of Dundee. The site is within the Stannergate Principal Economic Development Area (Docks) and has an International Ship and Port Facility Security (ISPS) Level 1, meaning that entry to the port is controlled by manned security. The proposed site is adjacent to the Firth of Tay and Eden Estuary Special Area of Conservation (SAC), which is designated for its internationally important harbour seal population, intertidal mudflats and sandflats, and subtidal sandbanks.
- 2.2 Angus Horticultural Services Ltd occupy the premises known as Sheds 10 and 11. Shed 10 measures 3,957m² and is used for bagged storage. Shed 11 contains 9 bays for bulk storage, constructed from self-supporting concrete wall panels. It is proposed that bays 1 and 4 are used for the bulk storage of ammonium nitrate, bays 2 and 3 would provide a separation zone of approximately 20 metres between bays 1 and 4. Each bay has a capacity of 1500 Mt of fertiliser. The link constructed between Sheds 10 and 11 is 21 metres wide and contains the fertiliser bagging plant.

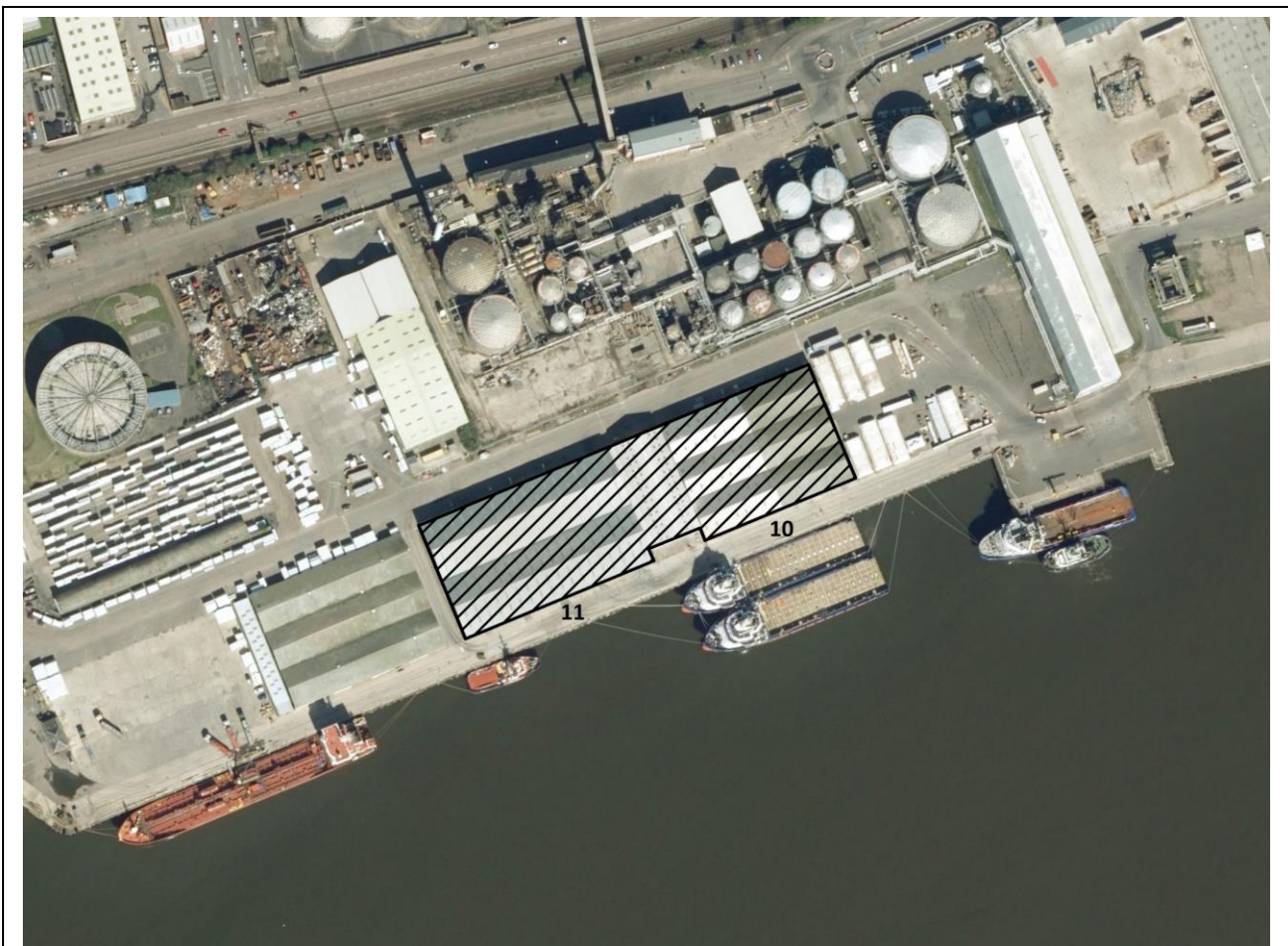


Figure 2: Aerial Photograph

3 POLICY BACKGROUND

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

TAYPlan 2016 – 2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 3: Principal Economic Development Areas

Policy 32: National and International Nature Conservation Designations

Policy 39: Environmental Protection

Policy 42: Development of or Next to Major Hazard Sites

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

The application raises no issues of relevance.

NON STATUTORY STATEMENTS OF COUNCIL POLICY

The application raises no issues of relevance.

- 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 There is no relevant planning history.

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. No comments have been received.

6 CONSULTATIONS

- 6.1 **The Health and Safety Executive** - has concluded that the risks to the surrounding population arising from the proposed operation are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. Conditions to any consent granted are recommended to ensure that the ammonium nitrate is stored in safe conditions and as per the application form.
- 6.2 **Scottish Environment Protection Agency** - has no objection to the proposals.
- 6.3 **Scottish Natural Heritage** - has no objection but requested further details in relation to any measures implemented to avoid cross contamination. The further details were submitted by the applicant and addressed the concerns raised by SNH.
- 6.4 **Police Scotland** - has no objection.
- 6.5 **Scottish Fire and Rescue Service** - has no comments to make.

- 6.6 **The Head of Community Safety and Protection** - has no objection but has recommended that a condition is attached to any consent granted to restrict noise from plant during night time hours.

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 distribution of ammonium nitrate. The storage and packaging 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 packaging of upper tier hazardous substances that the applicant has present on their site in line with increased cargo sizes.

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 areas are such uses, and Local Development Plan policies resist other uses in the area. The storage and packaging 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 applications 10/00428/FULL and 17/00215/FULL gave permission for the extension of an existing scrapyards and the erection of a 2 metre high mesh fence in September 2010 and June 2017 respectively within the vicinity of the application site. This approved development is not of a sensitive nature and would not be adversely affected by the storage and packaging of the particular group of hazardous substances proposed.

D - TO THE PROVISIONS OF THE DEVELOPMENT PLAN

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

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.6 **Policy 3: 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.
- 7.7 Any development at the Port of Dundee Principal Economic Development Area should not have an adverse effect, either alone or in combination with other proposals or projects, on the integrity of any Natura Site.

- 7.8 The use of the site would remain as storage and distribution in accordance with Policy 3. As discussed later within this report, the use of the land for the storage and packaging of materials has been demonstrated to have no adverse effect in terms of nature conservation, thereby complying with Policy 1.
- 7.9 **The proposal is in accordance with Policy 3.**
- 7.10 **Policy 32: National and International Nature Conservation Designations** - states that development which would have a likely significant effect on the qualifying interests of any Natura site will only be permitted where a Habitats Regulations Appraisal has been undertaken if required, and an appropriate assessment can demonstrate that the proposal would not adversely affect the integrity of the site and that there are no alternative solutions. Development which would affect a designated site of national nature conservation importance will only be permitted where it has been demonstrated that the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance arising from the development.
- 7.11 In this case, the application site is adjacent to the Firth of Tay and Eden Estuary Special Area of Conservation (SAC) which is designated for its internationally important harbour seal population, intertidal mudflats and sandflats, and subtidal sandbanks. The site's status means that the requirements of the Conservation (Natural Habitats, etc.) Regulations 1994, as amended (the Habitats Regulations) apply.
- 7.12 Comments received from SNH are that due to the location and nature of the proposal there is the possibility of spillage either directly from ship to shore or through any drainage network, which could be detrimental to the qualifying features listed above. Measures should be implemented to avoid any cross contamination.
- 7.13 The agent states that there would not be an increase in the tonnage of ammonium nitrate shipped into Dundee Port over the course of a year, a larger quantity would be stored due to the fewer but larger shipments that would be made. In order to prevent the risk of spillage, all vehicles are routinely inspected for any defects. There are no open drains within the storage sheds. Finished products are stored in resilient bags and a site safety plan is required by the Health and Safety Executive.
- 7.14 Scottish Natural Heritage responded to confirm that the measures and controls in place to prevent cross contamination of the surrounding environment, and specifically the Firth of Tay and Eden Estuary Special Area of Conservation, are satisfactory and that it is unlikely that the proposal would have a significant effect on the qualifying interests, either directly or indirectly, and further assessment is not required.
- 7.15 **The proposal is in accordance with Policy 32.**
- 7.16 **Policy 39: Environmental Protection** - requires that all new development that would generate noise, vibration, and odour, emissions to air, dust or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.17 The Head of Community Safety and Protection has recommended that a condition is attached to any consent granted to require noise from plant to be restricted during night time hours. The application site is located 310 metres from the nearest residential property. The proposal relates to an existing operation, where the applicant already stores and packages ammonium

nitrate and it is therefore not considered to be necessary to add a condition in relation to noise levels. The application is for hazardous substances consent for the storage of an increased amount of bulk product, and storage would not result in a noise impact. The bagging and dispatching development is already in operation and the current proposal would not exacerbate the existing situation.

7.18 **The proposal is in accordance with Policy 39.**

7.19 **Policy 42: 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.

7.20 The site is located 310 metres away from the nearest residential property. Areas of significant public use or interest are located further away and these include the business and leisure uses within Victoria and Camperdown Docks. The increased storage and processing of ammonium nitrate would not be likely to significantly affect these areas given the separation distances involved.

7.21 **The proposal is in accordance with Policy 42.**

7.22 **It is concluded that the proposal is in accordance with the Development Plan.**

E - ANY ADVICE PROVIDED BY THE SAFETY REGULATOR

7.23 The Health and Safety Executive has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent, subject to the addition of conditions, to minimise the risk to health and safety.

7.24 The proposal satisfies the particular requirements of the material considerations specified in Section 7 of the Planning (Hazardous Substances) (Scotland) Act 1997. There are no other material considerations to be taken into account.

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 increase in storage of ammonium nitrate on the site. It is therefore recommended that Hazardous Substances Consent be granted subject to conditions.

9 RECOMMENDATION

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

1 **Condition** - urea will not be present in the same section of the Sheds where ammonium nitrate is present.

Reason - to minimise the risk to health and safety.

2 **Condition** – ammonium nitrate will not be stored outside of Sheds 10 and 11

Reason - to minimise the risk to health and safety.

- 3 **Condition** - the maximum size of any un-bagged ammonium nitrate pile will be 1500 tonnes and stored in Bays 1 and 4 of Shed 11; measures will be in place to ensure this maximum quantity is not exceeded.

Reason - to minimise the risk to health and safety.

- 4 **Condition** - bagged ammonium nitrate may be stored in Shed 10; the maximum size of an individual bagged stack will not exceed 200 tonnes.

Reason - to minimise the risk to health and safety.

- 5 **Condition** - a minimum separation distance of 1 metre will be maintained between each ammonium nitrate bagged stack.

Reason - to minimise the risk to health and safety.

- 6 **Condition** - 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 (including "Substance Location Plan", Drawing No. 3, showing the location of Bays 1 and 4 within Shed 11).

Reason - to minimise the risk to health and safety.