

Consent to Allow Packaging and Labelling of Already Consented Volumes of Hazardous Substances

KEY INFORMATION

Ward Lochee

Address

Warehouse and Laboratory
Dunsinane Avenue
Dunsinane Industrial Estate

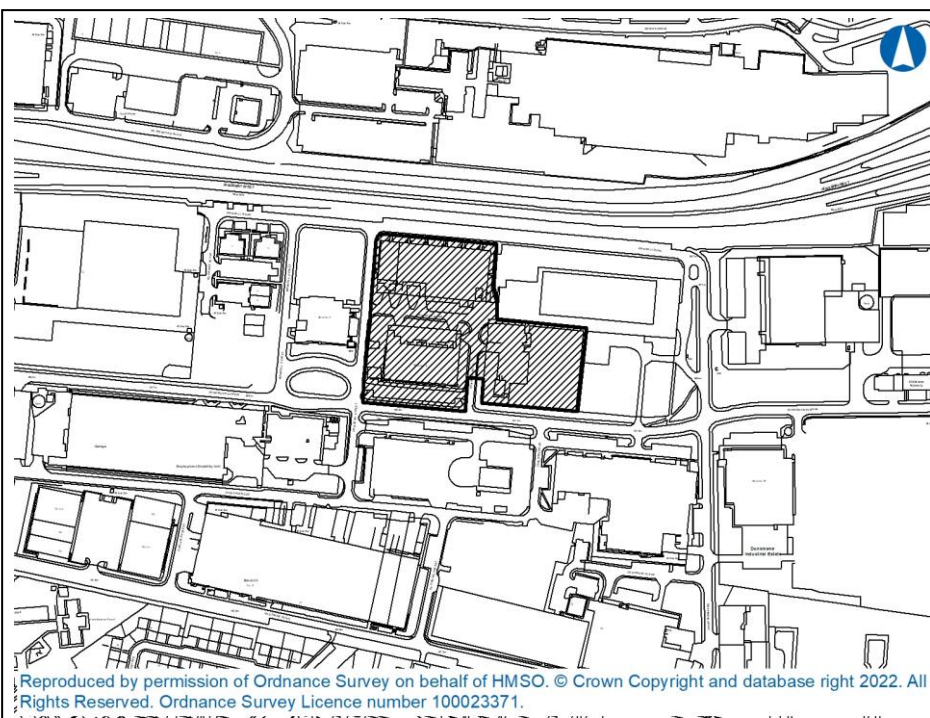
Applicant

Argenta Dundee Ltd

Registered 15 June 2022

Report by Head of Planning & Economic Development

Contact: Sharon Dorward



SUMMARY OF REPORT

- Argenta Dundee Ltd seeks Hazardous Substances Consent to store and process E1 and E2 substances at their existing premises on Kinnoull Road, between the Kingsway and Dunsinane Avenue.
- Consent is required to allow the applicant to package and label already consented volumes of substances in their recently renovated industrial building at Block 10, Dunsinane Avenue as this building did not form part of their previous consent. There would be no increase in the overall volume of already consented hazardous substances stored on site. 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 statutory neighbour notification process was undertaken and the application advertised in the local press. No comments were received.
- The Health and Safety Executive, and Scottish Environment Protection Agency have raised no objection to the application.
- All applications for Hazardous Substances Consent require to be determined by the Planning Committee.
- More details can be found at: <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=RD5VQKGC0CU00>

RECOMMENDATION

The proposal would not increase the volume of consented substances stored on site and would have no impact on the environment. 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 by Argenta Dundee Ltd for the storage and industrial processing of 500 tonnes of E1 substances and 500 tonnes of E2 substances within buildings in an increased site area.
- 1.2 Argenta Dundee Ltd currently hold Hazardous Substances Consent for these volumes, and 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 purpose of this application is to allow the already consented volumes to be used in an additional building (Block 10) for the labelling and packing of the finished goods.
- 1.3 The labelling and packaging operation in Block 10 would mean that while there would be no change to the overall upper limits on the wider site for the E1 and E2 materials, the new volumes within Block 10 would be in excess of the exemption quantities listed in The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015. It is anticipated that there would be 10-30 tons of material in Block 10 during production. The maximum capacity of individual moveable containers would be one cubic metre.

- (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) Block 10 and access points to and from the land.

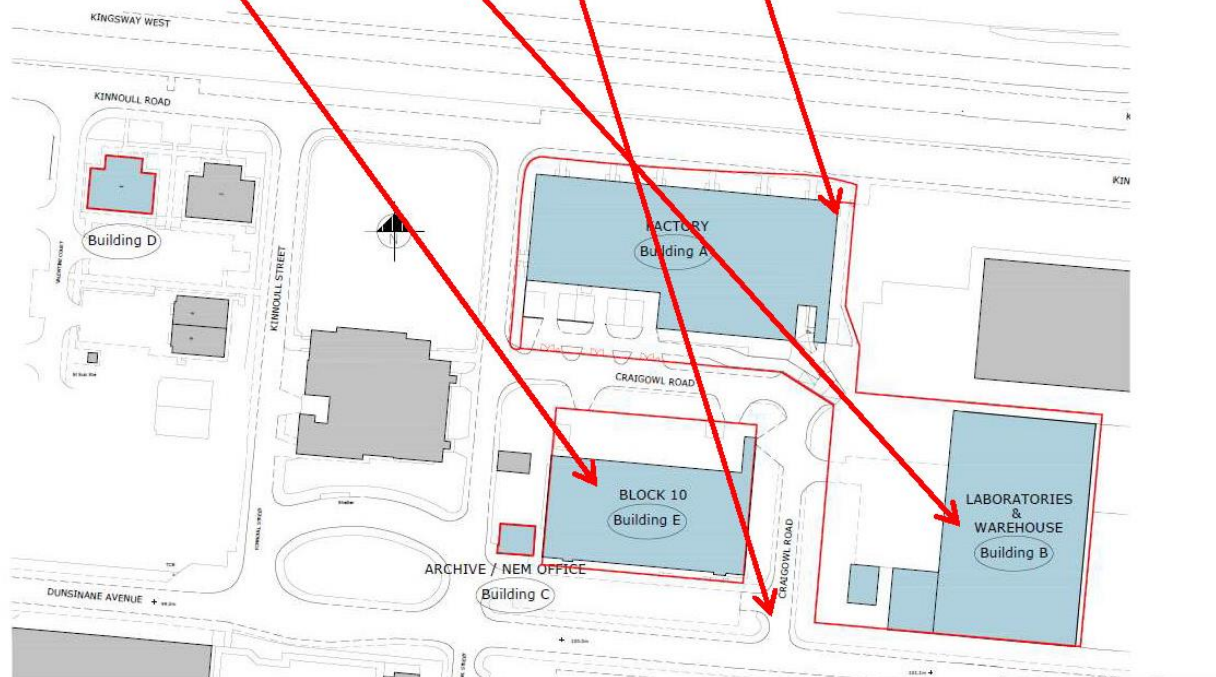


Figure 1 – Substance Location Plan

2 SITE DESCRIPTION

- 2.1 The site is located within the Dunsinane Principal Economic Development Area between Dunsinane Avenue to the south and the Kingsway to the north. The site comprises a warehouse building, factory building, the storage facility at Block 10, Craigowl Road and yard. The existing business on the site is involved in the process of veterinary and pharmaceutical products for global distribution.
- 2.2 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 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 (360m to the east). 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 – View of Site from Craigowl Road



Figure 3 – View of Site from Dunsinane Avenue

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 42: Development of or Next to Major Hazard Sites

- 3.2 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.
- 3.3 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.
- 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.
- 4.3 Hazardous Substances Consent application 18/00015/HAZ for the storage and industrial processing of 500 tonnes of E1 substances and 500 tonnes of E2 substances on the site was approved in August 2018.
- 4.4 Planning application 21/00593/FULL was approved in September 2021 for a roof replacement, the installation of solar PV roof panels, erection of a flagpole and alterations to the building at Block 10, Dunsinane Avenue.
- 4.5 Planning application 21/00768/FULL was approved in December 2021 for the change of use from public road and footway to enclosed compound for industrial buildings, including erection of new boundary enclosure fencing adjacent to Block 10, Dunsinane Avenue.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 No public comment was received.

6 CONSULTATIONS

- 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. It is recommended that a condition is appended to any consent granted to ensure that procedures are in accordance with the particulars provided on the application form.
- 6.2 **Scottish Environment Protection Agency** - has no objection to the application as there would be no increase in the quantity of hazardous substances held on site nor would there be a change to the nature of activities conducted on site. Block 10 has no internal drains so if any spillage were to occur from labelling and packaging activities it would be held and recovered from within the building. Following any consent granted, Argenta would need to update their site drainage plans and Control of Major Accident Hazards (COMAH) Regulations environmental risk assessment. SEPA would follow up these points separately with the applicant under COMAH.
- 6.3 **Natural Scotland** – no comments received.
- 6.4 **Scottish Gas Networks** - no comments received.
- 6.5 **Scottish Fire and Rescue** – no comments received.
- 6.6 **Police Scotland** – no comments received.
- 6.7 **The Head of Community Safety and Protection** - has noted that description and quantities remain unchanged and have notified the Scottish Fire and Rescue Service to ensure that any amendments to response plans can be made.

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 operations carried out by the applicant, but to extend the use of the buildings and land within a wider site for labelling and packaging of the finished product. The application simply seeks to regulate the storage and processing of the same quantities of upper tier hazardous substances within the wider site area 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 THAT HAS BEEN GRANTED FOR DEVELOPMENT OF LAND IN THE VICINITY

- 7.4 Planning permission 18/00147/FULL has been granted for the erection of 8 industrial units, in May 2018 within the vicinity of the current application site. The units are now complete and occupied. 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. Planning applications 21/00593/FULL and 21/00768/FULL have allowed the refurbishment of Block 10 and the containment of the roadway within the site.

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.
- 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 **The use of the land for the storage and processing of materials is in accordance with Policy 3.**
- 7.8 **Policy 42: Development of or Next to Major Hazard Sites** - states that the siting of new or extensions to existing hazard sites, operating under SEPA authorisation, 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 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 known drainage providing routes to water bodies and no known habitats designated for conservation or biodiversity value in close proximity to the site.
- 7.10 It is proposed that the existing activities associated with labelling and packaging of the finished product would be undertaken in small volume containers would now be handled in the Block 10 building located within the extended part of the site. The application does not involve an increase in the quantity of hazardous substances held on site nor is there a change to the nature of activities conducted on site. Block 10 has no internal drains and so if any spillage were to occur from labelling and packaging activities it would be held and recovered from within this building.
- 7.11 Previous consents for the storage of hazardous substances at this location required the repair and maintenance of the main site drainage. The purpose of those requirements was to minimise the risk of adverse impact on the environment. It is recommended that this requirement is repeated on this consent. It is recommended that a planning condition is attached to the consent.
- 7.12 **The proposal would comply with Policy 46.**
- 7.13 **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 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 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. In considering the application, HSE has assumed that the requirements of the Health and Safety at Work etc. Act 1974 would be met should consent be granted, and advise that the applicant is directed to section 28 of the Planning (Hazardous Substances) (Scotland) Act 1997.
- 7.15 With the addition of a condition and informative, the proposal satisfies the particular requirements of the material considerations specified in Section 7 of the Planning (Hazardous Substances) (Scotland) Act 1997.

MATERIAL CONSIDERATIONS

- 7.16 There are no other material considerations of relevance in this case.

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 planning permission be GRANTED subject to the following conditions:
- Condition** - the hazardous substance(s) shall not be stored, processed or used other than in accordance with the particulars provided on the application form.
Reason - to minimise the risk to health and safety.
 - 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.
 - Condition** - the main site drainage shall be repaired and maintained in strict accordance with the recommendations of the previously submitted Environmental Sensitivity Review for the site dated 23 October 2015, 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.

Informatives:

- 1 All requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, shall be met at the application site. Please refer to section 28 of the Planning (Hazardous Substances) (Scotland) Act 1997.
- 2 The site drainage plans and COMAH environmental risk assessment shall be updated; these points will be followed up by SEPA separately under COMAH.