

KEY INFORMATION

Ward East Port

Proposal

The storage & treatment of various mineral oils at Dundee refinery

Address

Nynas UK AB
East Camperdown Street
Dundee DD1 3LG

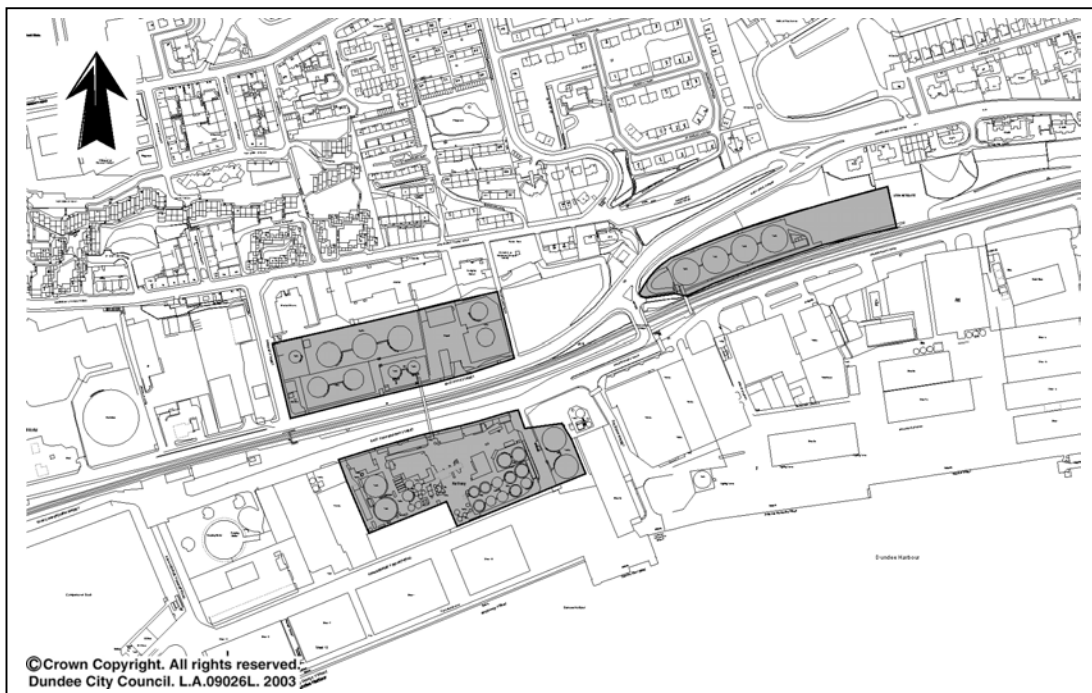
Applicant

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Agent

Registered 28 May 2003

Case Officer C Walker



Consent Sought for Storage and Treatment of Oils at Dundee Refinery

The storage & treatment of various mineral oils at Dundee Refinery is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

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. The application is therefore recommended for **APPROVAL**

SUMMARY OF REPORT

- Hazardous Substances Consent is sought by Nynas UK AB for the storage of mineral oils including refining and distillation operations. The requirement for this application relates to a change in European Law whereby the classification of mineral oils has been changed bringing the Nynas Refinery into the scope of the Control of Major Accident Hazard Regulations. 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.
- The site is located in an area allocated within the adopted Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review for industrial and port related uses.
- The Health and Safety Executive do not advise against the grant of Consent but suggest that a condition be attached.
- The application was advertised and neighbours were notified but no objections were received

DESCRIPTION OF PROPOSAL

Hazardous Substances Consent under the provisions of Regulation 5 of the Town and Country Planning (Hazardous Substances)(Scotland) Regulations, as amended by the Planning (Control of Major Accident Hazards)(Scotland) Regulations 2000, is sought by Nynas UK AB for the storage of mineral oils including refining and distillation operations. The requirement for this application relates to a change in European Law whereby the classification of mineral oils has been changed bringing the Nynas Refinery into the scope of the Control of Major Accident Hazard Regulations. 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

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 JT Inglis and a grain store to the east, dockside storage buildings to the south and yard areas 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, the abattoir and the Craigtay Hotel to the north and vacant land within Nynas ownership 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 the Riverview Hotel 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 Riverview Hotels, some 23 and 98 metres from storage tanks, albeit on significantly higher ground. The closest houses are approximately 100 metres distant on the north and south sides of Broughty Ferry Road.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no national or Structure Plan policies of relevance to the consideration of this application.

Dundee Local Plan 1998

The site is located in an area allocated within the adopted Dundee Local Plan 1998 for port related uses. Policy EU7 seeks to maximise the potential of the port in a way which is compatible with the other policies of the local plan; and Policy EU8 encourages the establishment and retention of business and industrial uses within the port area which benefit from being located close to port facilities



Dundee Nature Conservation Subject Local plan 1995

The adopted Dundee Urban Nature Conservation Subject Local Plan 1995 is not relevant in this instance.

Finalised Dundee Local Plan Review

Policy 26 (General Economic Development Areas) supports proposals in such designated areas for uses within Classes 4,5 and 6 of the Use Classes Order. Specifically within the Port area the Council will encourage uses that are compatible with Port activities subject to other policies in the Local Plan

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.

LOCAL AGENDA 21

Key Theme 7 (Access to facilities, services, goods and people are not achieved at the expense of the environment and are accessible to all) is of some relevance in that the proposal is to continue existing operations in an area already used for such a use and as such Local Agenda 21 objectives are not compromised.

SITE HISTORY

There is no planning history of direct relevance to the current application

PUBLIC PARTICIPATION

As required by the appropriate Regulations (see above), 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 there responses are summarised as follows

Health and Safety Executive - HSE state that the application is

incompatible with existing development in the surrounding area but recognise that for applications involving reclassification of substances consent should not normally be withheld. In these circumstances HSE do not advise against the grant of Consent but suggest that a condition be attached. In addition they advise that a consultation zone will be required around the Nynas Refinery.

Scottish Natural Heritage - No comment.

Scottish Environmental Protection Agency - No comment.

Scottish Gas - No response

Scottish Hydro Electric - No response

Tayside Police - No response.

Tayside Fire Brigade - No response.

Emergency Planning Officer, Dundee City Council - No comment.

Railtrack - No response

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

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 Policies EU7 and EU8 of the adopted Dundee Local Plan 1998. These policies support developments which are compatible with port related activities within a specifically allocated area. As indicated above these policies are supported by the provisions of Policy 26 of the Dundee Local Plan Review

5 any advice given by the Health and Safety Executive.

As indicated above, and following a lengthy period of consideration, the Health and Safety Executive wrote to state that the application is incompatible with existing development in the surrounding area but recognise that for applications involving reclassification of substances, consent should not normally be withheld. In these circumstances HSE do not advise against the grant of consent but suggest that a condition be attached. In addition they advise that a consultation zone will be required around the Nynas Refinery. Nynas have been consulted and are happy with the proposed condition

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. In the circumstances, it is recommended that Hazardous Substances Consent be granted with conditions:

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

1 The Hazardous Substance(s) shall not be kept or used other than in accordance with the application particulars provided in the Hazardous Substances Consent Application Form, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of this application.

Reason

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.

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.