

Planning Development Management Committee

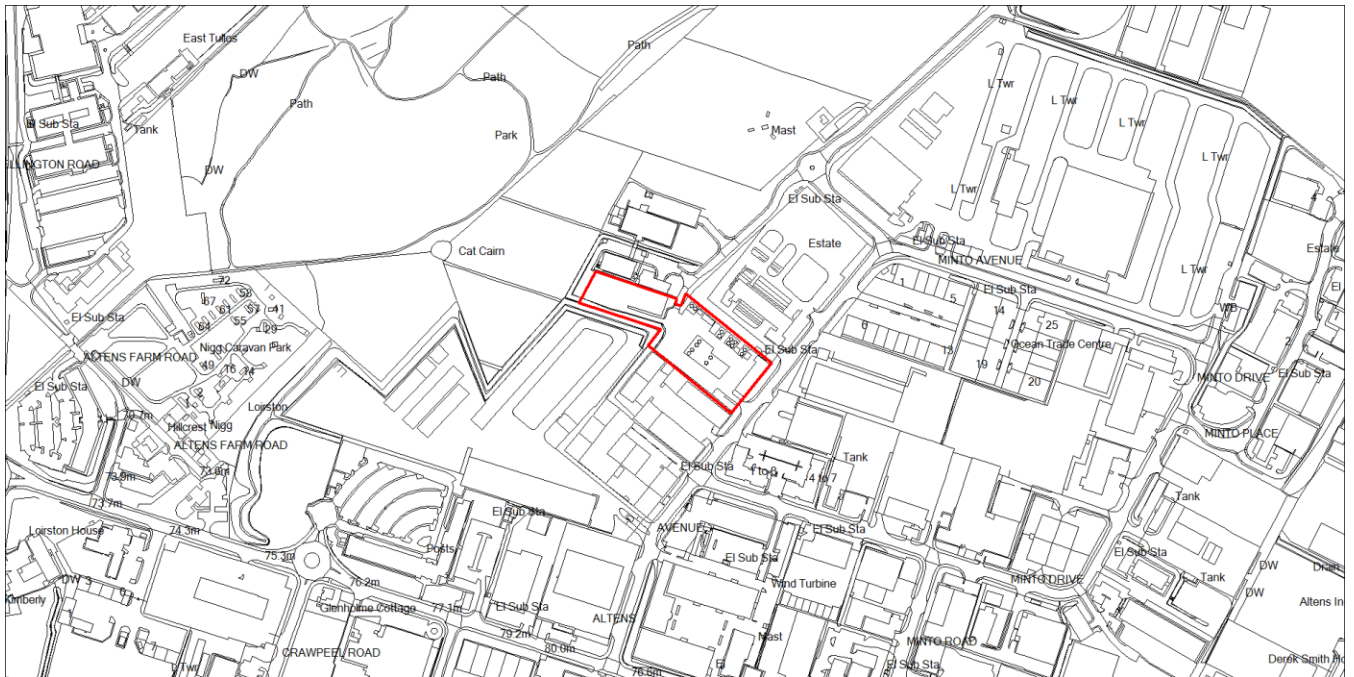
SITE 17 PETERSEAT DRIVE AND SITE 49
MINTO AVENUE, ALTENS INDUSTRIAL
ESTATE

STORAGE OF HAZARDOUS MATERIALS

For: Nalco Champion

Application Type : Hazardous Substances
Consent
Application Ref. : P140028
Application Date : 10/01/2014
Officer: Matthew Easton
Ward : Kincorth/Nigg/Cove (N Cooney / C Mccaig
A Finlayson)

Advert :
Advertised on:
Committee Date: 24 July 2014
Community Council : No response
received



RECOMMENDATION: Approve subject to conditions

BACKGROUND TO HAZARDOUS SUBSTANCES CONSENT

The Control of Major Accident Hazard ('COMAH') regulations apply where quantities of dangerous substances are present, or likely to be present above specified limits. This includes sites where dangerous substances might be generated due to the loss of control of an industrial chemical process. The main aim of the COMAH regulations is to prevent and mitigate the effects of major incidents on people and the environment. Sites subject of COMAH are regulated by the competent authority, which in Scotland comprises the Scottish Environment Protection Agency ('SEPA') and HSE.

As well the requirements of the COMAH regulations, operators are required to obtain a separate hazardous substances consent from the Council. The purpose of hazardous substances consent is to ensure that when hazardous substances are stored or used, the residual risk to people in the vicinity of the site or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity. The extent of this risk will depend upon where and how a hazardous substance is to be present; and the nature of existing and prospective uses of the site and its surroundings.

If the Committee's decision is to grant consent, a consultation zone will be placed around the site by HSE. This requires the Council to consult HSE on all proposed future development over a certain size within that zone. HSE will then provide advice as to the suitability of such development in this location, which the Council must then take into account when determining whether to grant planning permission for the proposal. This is highlighted in Policy BI5 (Pipelines and Controls of Major Accident Hazards).

DESCRIPTION

The application site is an industrial facility located on the western side of Minto Avenue, within Altens Industrial Estate.

It is operated by oilfield chemical supplier Nalco Champion (formerly Champion Technologies) and is used for the production of offshore oilfield chemicals, including scale inhibitors, corrosion inhibitors, demulsifiers and commodity chemicals. The industrial processes which take place includes the storage of raw materials, blending of products and filling & storage of finished products for onward shipment.

The site extends to 1.05 hectares and comprises a single storey industrial building and two storey office and laboratory building, which together form the frontage onto Minto Avenue. Beyond this is a yard which includes several tanks for the storage of chemicals, four blenders for the production of chemical products and circulation space for vehicles. The rear part of the site comprises a yard which is used for the storage of moveable containers. Access to the site is from Minto Avenue or Peterseat Drive.

The surrounding area is characterised by industrial, warehouse and office uses.

Bordering the site to the west and south west are warehouse and industrial units occupied by Nortruck, Scotia Access Services and Peterson SBS's open storage yard known as Altens Base.

To the north, and forming part of the Nalco Champion facility are their eastern hemisphere headquarters, the W. Sam White building which was built in 2006 and the Bundrant Technical Centre, built in 2009. Also to the north is an industrial building and pipe storage yard operated by Tenaris Global Services.

On the opposite side of Minto Avenue is a storage and distribution warehouse occupied by retailer John Lewis. Approximately 100m to the south is North East Scotland College's Construction Training Facility.

RELEVANT HISTORY

The site was developed in the 1960's and Champion Technologies have operated their lab and plant here since the mid 1970's. Nalco Champion was formed in 2013 following the acquisition of Champion Technologies by Ecolab, parent company of Nalco.

The Health and Safety Executive ('HSE') notified the Council in 2006 that the site was operating as a lower-tier establishment under the COMAH Regulations. Up until now no application for consent has been received from the operator of this site and it has been operating without the required consent since 2006.

PROPOSAL

Retrospective hazardous substances consent is sought for the storage and industrial use of various hazardous substances, which under schedule 1 of the *Hazardous Substances (Scotland) Regulations 1993*; require consent because they are present at a site in excess of the relevant specified quantities.

There are a number of fixed tanks within the site, however only five would store hazardous substances. The maximum quantity of hazardous substances which would be kept within these fixed tanks is summarised as follows –

- 90m³ of substances which are dangerous to the environment (i)
- 45m³ of substances which are dangerous to the environment (ii)

A variety of moveable containers are used at the site. These predominately consist of intermediate bulk containers ('IBC') and offshore tanks. Smaller drums, bags and kegs are also used. Moveable containers are generally stored within the storage yard at the northern end of the site, with a very small amount within the warehouse. The maximum quantities which would be present at the site within such containers for each of the categories is –

- 166.89 tonnes of toxic substances;
- 222.4 tonnes of substances which are dangerous to the environment (i); and
- 99.52 tonnes of substances which are dangerous to the environment (ii)

Within a typical year the site sees 2,500 offshore tanks and 8000 IBC's pass through, although this does vary seasonally.

There are four blending vessels used to mix hazardous chemicals. They have capacities of 5,000L, 12,000L, 10,000L and 18,000L.

Other substances are present on site, however these either are substances which are not subject of the hazardous substances legislation or are hazardous substances which are held in amounts below the relevant controlled quantity.

Although this is an application for a new hazardous substances consent, the applicants have been operating without hazardous substances consent since 2006. This application seeks to regularise the situation and if granted will allow the site to continue to operate and to ensure that the storage of the hazardous substances at the site is properly regulated and that the presence of the establishment is taken into account in determining planning applications in the vicinity.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140028>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the determination of hazardous substances consents falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No observations.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Community Council – No response received.

Health and Safety Executive (HSE) – The risks to the surrounding areas from the likely activities resulting from the granting of hazardous substances consent at this site has been assessed by HSE. Only the risks from hazardous substance for which consent is being sought have been assessed together with the risks from substances in vehicles which are being loaded or unloaded. Generic categories of hazardous substances have been assessed by reference to exemplar substances, which have been selected to represent the worst case substances allowed by this consent.

HSE has concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing hazardous substances consent.

Following government advice that particulars in the application do not automatically become conditions of consent, it would be beneficial to include conditions requiring (a) the substances to not be kept or used other than in accordance with the submitted particulars and (b) that toxic substances are restricted to those which are in liquid phase when held at ambient temperature and pressure conditions.

Scottish and Southern Energy Power Distribution (SSE) – If all buildings remain within Site17 SSE would have no objections to the development.

Scottish Environment Protection Agency (SEPA) –The site is an existing lower tier COMAH premises, and as such the Competent Authority are aware of the increase in inventory held on site, however for clarity where the associated increase in inventory / change in classification is such that the quantity of dangerous substance is now above the Top Tier threshold then prior to the start of construction /operation of the establishment the operator shall submit a Safety Report, or part thereof, to the Competent Authority. The Safety Report, or part thereof, will contain the information specified in Regulation 7 of the COMAH Regulations.

From a planning perspective SEPA therefore have no comment to make on the hazardous substances consent application but will continue to work with the operator and HSE on on-going regulation of the site under the COMAH regulations.

Scottish Fire and Rescue Service – No response received.

Scotland Gas Networks – No response received.

Scottish Natural Heritage (SNH) – SNH do not intend to offer formal comment on this proposal as it falls below our threshold for consultation as outlined in their Service Statement for Planning and Development.

REPRESENTATIONS

None.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Policy BI1 (Business and Industrial Land) – Aberdeen City Council will support the development of the business and industrial land allocations set out in this Plan. Industrial and business uses (Class 4 Business, Class 5 General Industrial and Class 6 Storage or Distribution) in these areas, including already developed land, shall be retained. The expansion of existing concerns and development of new business and industrial uses will be permitted in principle within areas zoned for this purpose.

Where business and industrial areas are located beside residential areas we will restrict new planning permissions to Class 4 Business. Buffer zones will be required to separate these uses and safeguard residential amenity. Conditions may be imposed regarding noise, hours of operation and external storage. New business and industrial land proposals shall make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths, in accordance with the Council's Open Space Strategy, Open Space Supplementary Guidance and approved planning briefs/masterplans.

Ancillary facilities that support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area.

Bad neighbour uses should either be located together in single industrial areas or within one part of a larger estate.

Policy BI5 (Pipelines and Controls of Major Accident Hazards) – In determining planning applications for development within consultation distances for hazardous installations, the City Council will take full account of the advice from the Health and Safety Executive and will seek to ensure that any risk to people's safety is not increased.

Aberdeen Local Development Plan – Main Issues Report (January 2014)

The main issues report does not propose any changes which would effect the site or its surroundings in terms of land use.

EVALUATION

Section 7(2) of the *Planning (Hazardous Substances) (Scotland) Act 1997*, requires the planning authority, when determining an application for hazardous substances consent, to take into account the following factors, as well as any other relevant material considerations, (a) any current or contemplated use of the land to which the application relates; (b) to the way in which the land in the vicinity is being used or is likely to be used; (c) to any planning permission that has been granted for development of the land in the vicinity; (d) to the provisions of the development plan; and (e) to any advice which the Health and Safety Executive have given in response to consultations.

The site and the surrounding area has been in industrial use since the 1960's and remains within an area zoned for business and industrial uses (Policy B11) in the current local development plan. This policy supports office, industrial and storage & distribution uses. Other supporting uses, which meet the needs of the area, are also permitted.

The actual uses within the area reflect the aspirations of the policy and are typical of an industrial estate. There are no vulnerable uses such as hospitals, schools, care homes or prisons within the consultation zone or wider industrial estate. The Construction Training Centre of North East Scotland College is located 100m to the south of the site and the north east corner of the building does lie within the outer and edge of the middle consultation zones. However the college does not provide residential accommodation for students, does not cater specifically for vulnerable groups and it is likely that in the event of an emergency it would be relatively easy for an evacuation to be coordinated. Therefore it is not considered that the use would be particularly sensitive to being located near a major hazard site.

In summary, because of the general lack of vulnerable uses and residential development, industrial estates such as Altens are considered the most suitable place for a major hazard site such as this.

The main issues report does not propose changing the current situation in terms of land use and therefore it is anticipated that the area would continue to function as a business and industrial area for the foreseeable future.

There are no planning permissions for land in the surrounding area which would introduce incompatible uses which would sit uncomfortably alongside a major accident hazard site. Should any planning applications be received to redevelop any of the surrounding sites within the proposed consultation zone, the Council will be required to consult HSE to determine what increase in risk there may be to public safety as a result of the proposed new development.

After carrying out a detailed assessment, HSE have advised that the risk to surrounding population is so small there is no reason to refuse consent on safety

grounds. HSE have advised that two conditions and an informative note should be attached and this is accepted.

All other consultees have provided advice or no observations.

In summary, taking into account the existing and likely future land use of the site and surrounding area and the advice from HSE, it is considered that the storage of the hazardous substances identified in the application would be compatible with the surrounding current and future uses in the area.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The use of the site and surrounding area are typical of an industrial estate and there are no vulnerable uses present. It is not anticipated that the situation in terms of land use will change in the foreseeable future. There are no planning permissions for land in the surrounding area which would introduce incompatible uses which would sit uncomfortably alongside a major accident hazard site. HSE have advised that the risk to surrounding population is so small there is no reason to refuse consent on safety grounds and all other consultees have provided advice or no observations. In summary, taking into account the existing and likely future land use of the site and surrounding area and the advice from HSE, it is considered that the storage of the hazardous substances identified in the application would be compatible with the surrounding current and future uses in the area.

CONDITIONS

it is recommended that approval is 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 as amended by the supplementary information from the applicant (email dated 27/02/14), nor outside the areas marked for storage of the the substances on the plans which formed part of the application (specifically the 'Overall Site Plan', drawing No. 3388C01) - in order to ensure that the circumstances remain those on which the assessment by the Health and Safety Executive was carried out.

(2) Substances which are catergorised as Part B2 'Toxic' shall be restricted to those substances which exist in the liquid phase when held at ambient temperature and pressure conditions - in order to ensure that the circumstances

remain those on which the assessment by the Health and Safety Executive was carried out.

INFORMATIVE

In accordance with the provisions of section 28 of the Planning (Hazardous Substances) (Scotland) Act 1997, nothing in this hazardous substances consent hereby granted shall require or allow anything to be done in contravention of any of the relevant statutory provisions or any prohibition notice or improvement notice served under or by virtue of any of those provisions. To the extent that such a consent or notice purports to require or allow any such thing to be done, it shall be void.

"Relevant statutory provisions", "improvement notice" and "prohibition notice" have the same meanings as in Part I of the [1974 c. 37.] Health and Safety at Work etc. Act 1974.

Dr Margaret Bochel

Head of Planning and Sustainable Development.