

**FALKIRK COUNCIL**

**Subject:** STORAGE OF HAZARDOUS SUBSTANCES IN THE FOLLOWING QUANTITIES: ETHANOL, 180,170 TONNES, BONDED WAREHOUSES, GLASGOW ROAD, DENNYLOANHEAD, BONNYBRIDGE FK4 1QR FOR DIAGEO SCOTLAND LTD (PART RETROSPECTIVE) – P/09/0085/HAZ

**Meeting:** PLANNING COMMITTEE

**Date:** 22 September 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Member:** Councillor Jim Blackwood  
Councillor John McNally  
Councillor Martin David Oliver  
Councillor Alexander John Waddell

**Community Council:** Banknock, Haggs and Longcroft

**Case Officer:** Bernard Whittle (Development Management Co-ordinator) Ext 4875

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The proposal seeks to consolidate consent for existing permitted storage of 90,000 tonnes of ethanol on the site granted in 2000 (reference: H/2000/0004) and the proposed additional storage of a further 90,170 tonnes of ethanol. The application is in part retrospective. Of the additional 90,170 tonnes proposed, 35,000 tonnes are already stored on the site.
- 1.2 The application site comprises of an existing bonded warehouse facility to the south of Bonnybridge Road and Glasgow Road (the A803). The existing facility consists of nine warehouses, an office building, car park and a Sustainable Urban Drainage System (SUDS) pond. The warehouses are used for whisky maturation. Vehicular access to the site is via Glasgow Road. There are residential properties located some distance from the site to the north of Bonnyside Road and to the north and south of Glasgow Road. The Bonny Water, the Forth and Clyde Canal and the Antonine Wall lie to the south of the site.

**2. REASON FOR CONSIDERATION BY COMMITTEE**

- 2.1 In conjunction with this application the applicant is also seeking planning permission for three additional warehouse buildings. This application (reference: P/07/1185/FUL) is being considered by the Planning Committee. As the two applications are related, it is considered appropriate to place the application for hazardous substances consent before the Committee for consideration.

### **3. SITE HISTORY**

- 3.1 Planning application ref: F/77/0723 was granted in 1978 for the erection of 16 bonded warehouses, each of approximately 8,900 square metres in area. To date, six of these warehouses have been constructed.
- 3.2 Deemed hazardous substances consent ref: H/2000/0004 was granted in 2000 for the storage of 90,000 tonnes of ethanol/water mixture (established presence).
- 3.3 Planning application ref: 05/0581/FUL was granted in November 2005 for the erection of a bonded warehouse building. This warehouse is now completed and in use.
- 3.4 Planning application ref: P/07/0208/FUL was granted in May 2007 for the erection of two bonded warehouse buildings. These warehouses are now completed and in use.
- 3.5 Planning application ref: P/07/1185/FUL for the erection of three warehouse buildings is pending consideration by the Planning Committee.

### **4. CONSULTATIONS**

- 4.1 The Roads and Development Unit has advised that it has no comments to make.
- 4.2 The Environmental Protection Unit has no objections to the proposal.
- 4.3 The Scottish Environmental Protection Agency has no concerns relating to the proposal and advise that it is satisfied that the proposed storage arrangements are satisfactory.
- 4.4 The Health and Safety Executive (HSE) has concluded with regard to the existing and proposed storage of ethanol on the site that the risks to the surrounding population are so small that there are no significant reasons, on safety grounds, for refusing hazardous substances consent. The existing and proposed hazard consultation zones are shown on the appended plan (appendix 1).
- 4.5 Whilst 35,000 tonnes of ethanol is currently stored on site without hazardous substances consent the Health and Safety Executive (HSE) were aware of this storage. The HSE had been notified by the applicant of this storage under the Control of Major Hazards (COMAH) Regulations and had not raised objection.
- 4.6 Scottish Water, Scottish Natural Heritage and Central Scotland Fire and Rescue Service have not responded to consultation requests.

### **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Haggs and Longcroft Community Council have not made any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 The application was advertised locally and copies of the application forms and plans were made available for public inspection at the application site and at Development Services, Abbotsford House, Falkirk. One holding objection has been received.
- 6.2 The objection was lodged prior to the receipt of comments from the HSE. The objector raised concerns that in the absence of a response from the HSE they were unable to quantify if there are any additional risks arising from the proposals that might impact on their land interests. A copy of the response subsequently received from the HSE was sent to the objector and opportunity to make further representations offered. No further representations have been received.

## **7. DETAILED APPRAISAL**

When dealing with applications for hazardous substances consent, section 7(2) of the Planning (Hazardous Substances) (Scotland) Act 1997 requires that the planning authority shall have regard to any material considerations and, in particular:

- (a) To any current or contemplated use of the land;
- (b) To the way in which 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 land in the vicinity;
- (d) To the provisions of the Development Plan; and
- (e) To any advice from the Health and Safety Executive.

Accordingly,

### **7a Current or Contemplated Use of the Land**

- 7a.1 The Diageo site is an established whisky storage site of long standing identified in both the adopted Bonnybridge and Banknock Local Plan and the Falkirk Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010). Planning permission for the erection of 16 bonded warehouses was granted in 1978 (ref: F/77/0723). To date 9 warehouses have been constructed. The applicant still wishes to be able to expand its operations to a scale similar to that previously approved but to vary the size, design and layout of the site to meet current business needs. The proposed hazardous substances consent is consistent with the previous decisions of the Council to grant planning permission for bonded warehouses on the site and the allocated use of the site in the adopted Bonnybridge and Banknock Local Plan.

### **7b Use of Land in the Vicinity**

- 7b.1 The application site is within a well established whisky storage complex. Provided that the substances are managed in the manner described in the application, their presence is compatible with the existing use of the site. The proposal does not increase the consultation zone within the urban limit and the HSE are satisfied that there is no significant increase in population at risk.

## **7c Planning Permission in the Vicinity**

- 7c.1 There are no planning permissions granted in the immediate vicinity of the site that would be adversely affected by the proposed hazardous substances consent.

## **7d The Development Plan**

### ***Falkirk Council Structure Plan***

- 7d.1 The proposed development does not have any strategic implications, therefore the policies of the approved Falkirk Council Structure Plan are not considered to be relevant.

### ***Adopted Bonnybridge and Banknock Local Plan***

- 7d.2 The application site lies outwith the urban limits as defined in the adopted Bonnybridge and Banknock Local Plan. However, the site is identified in the adopted Local Plan as a proposed whisky warehouse maturation complex (proposal 15). The proposed storage accords with the allocation of the site in the adopted Local Plan.
- 7d.3 Accordingly, the proposal accords with the Development Plan.

## **7e Health and Safety Advice**

- 7e.1 The formal advice of the HSE is outlined in paragraph 4.4 above. The HSE has assessed the risks to the surrounding area from the likely activities resulting from the granting of the proposed hazardous substances consent and concluded that the risks to the surrounding population arising from the proposals is so small that there are no significant reasons, on safety grounds, for refusing hazardous substances consent. The proposal will increase the existing consultation zone to the south of the site but not within existing urban limits.

## **7f Material Considerations**

- 7f.1 Other material considerations include the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010) consultation responses and the holding objection.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010)***

- 7f.2 Policy EP18 - 'Major Hazards' states:

*Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:*

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings; and*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means.*
- (3) The potential impact that the proposals may have upon chemical and petrochemical establishments*

7f.3 Policy EP19 - 'Hazardous Substances Consent' states:

*There will be a general presumption against applications for hazardous substances consent which would extend the hazard consultation zones within urban areas beyond their present coverage or prejudice the development of sites allocated in the Local Plan.*

7f.4 Having taken into account the advice of the HSE, the existing permitted use of the site, its planning history and allocation within the Development Plan, it is considered the proposal accords with Policy EP18. The proposal would not extend the hazard consultation zone within urban areas as defined in the emerging Development Plan and therefore does not conflict with Policy EP19.

## **7g Consultation Responses**

7g.1 The consultation responses received are detailed in paragraphs 4.1 to 4.6. No objections have been received from consultees.

## **7h Representation Received**

7h.1 The holding objection received is detailed in paragraphs 6.1 to 6.2. The objector has been informed of advice received from the HSE and has submitted no further comment. The objection was submitted on behalf of a property developer and questioned whether the proposal would impact on land at Broomridge that the developer wished to see allocated for development in the emerging Falkirk Local Plan. The area the objector refers to does not fall within the consultation zone proposed by the HSE.

## **8 Conclusion**

8.1 The use of the Diageo site for bonded warehousing is long established and consistent with the land allocation in the Development Plan. The company is currently operating in part without the necessary hazardous substances consent and this application is the appropriate means to address this matter. Having taken into account all relevant planning issues it is considered that the proposal is acceptable.

## **9. RECOMMENDATION**

9.1 It is recommended that Committee grant Hazardous Substances Consent subject to the following condition(s):

- (1) The hazardous substances 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 substances(s) on the plan which formed part of the application.

**Reason(s)**

- (1) To ensure that the use and storage of the substances are in accordance with the consent.

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**pp Director of Development Services**

**Date:** 15 September 2010

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Bonnybridge and Banknock Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010)
4. Planning (Hazardous Substances)(Scotland) Act 1997
5. Letter of objection dated 18 March 2009 received from McLean Bell Consultants Ltd, 33 Miller Park, Polmont, Falkirk FK2 0UJ

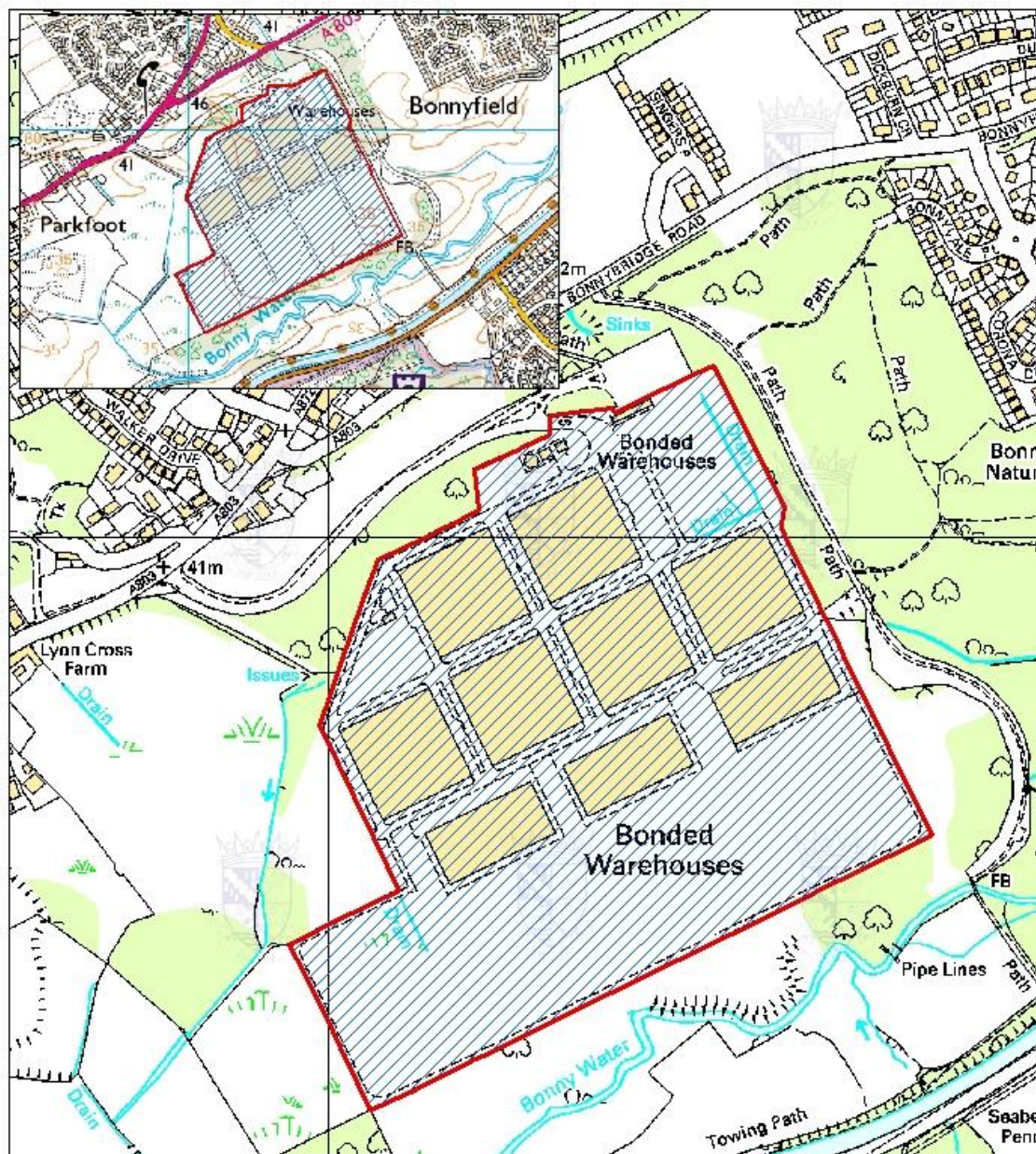
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504875 and ask for Bernard Whittle (Development Management Co-ordinator)

# Planning Committee

## Planning Application Location Plan

**P/09/0085/HAZ**

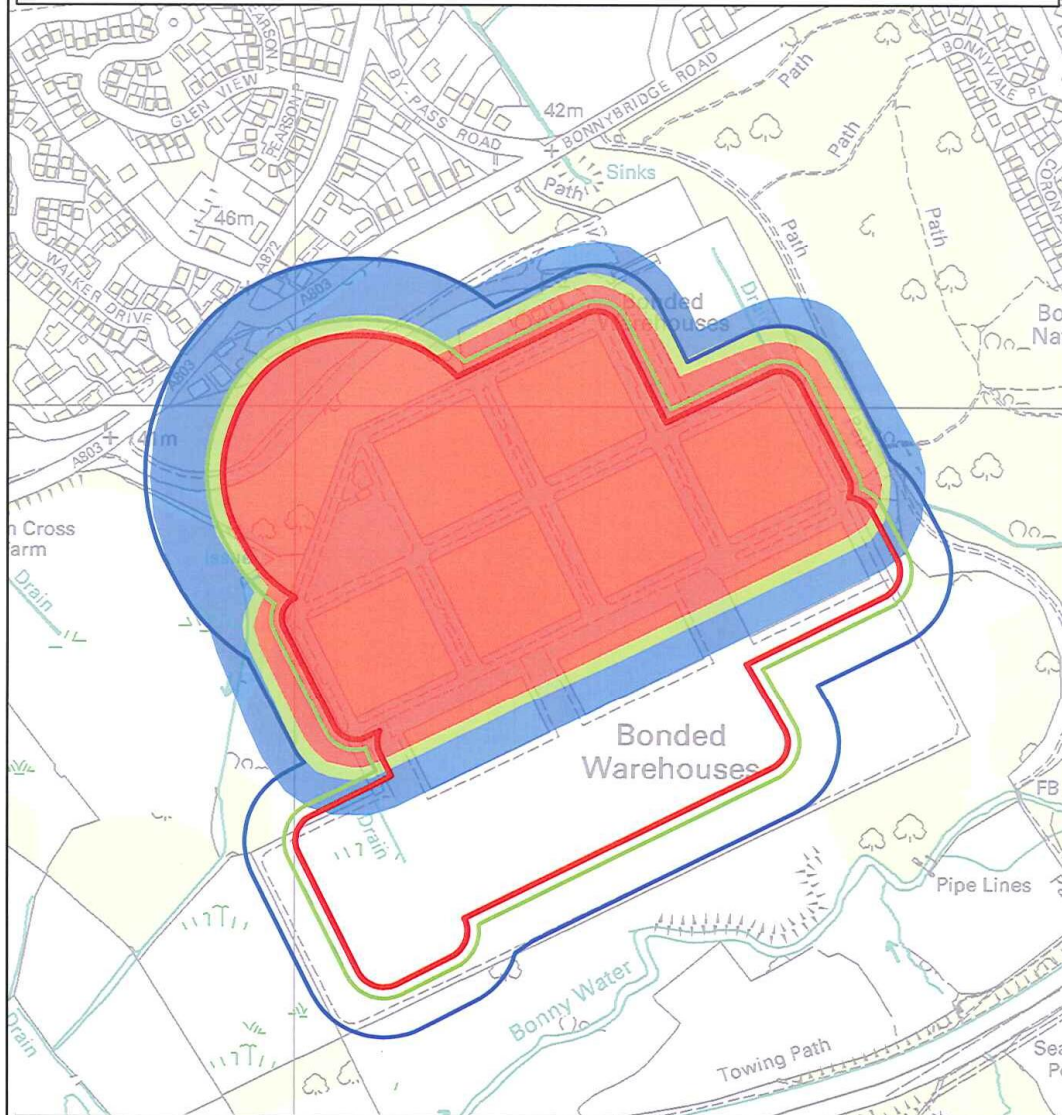
This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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Diageo Ltd., Bonnybridge HSE HID C15 Ref: H3803



Key

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<span style="display:inline-block; width:20px; height:10px; background-color:lightgreen; border:1px solid black;"></span> H3803 Middle Zone 2003	<span style="display:inline-block; width:20px; height:10px; border:2px solid lightgreen;"></span> H3803 Middle Zone 2009
<span style="display:inline-block; width:20px; height:10px; background-color:blue; border:1px solid black;"></span> H3803 Outer Zone 2003	<span style="display:inline-block; width:20px; height:10px; border:2px solid blue;"></span> H3803 Outer Zone 2009

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