

Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Hazardous Substance Consent
Elizabeth House, 31 Royal Elizabeth Yard, Kirkliston.**

**Proposal: Application for hazardous substance consent for a new
whisky maturation warehousing site**

**Item – Committee Decision
Application Number – 22/05925/HSC
Ward – B01 - Almond**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is for a Hazardous Substance Consent.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

In accordance with the Planning (Hazardous Substances) (Scotland) Act 1997, the application to store hazardous substances on the site is acceptable in terms of the risk to the surrounding land, neighbouring occupiers, and the development plan. There are no material considerations that outweighs this.

SECTION A – Application Background

Site Description

The application site is an existing Industrial Estate located to the north of the village of Kirkliston. The M90 runs to the west of the application site. Vehicular access is provided via Milton Farm Road. The surrounding land is agricultural in nature.

Description of the Proposal

The application is for a hazardous substances consent (HSC) under Planning (Hazardous Substances) (Scotland) Act 1997.

The application calls for the storage of a maximum of 85,944 tonnes of distilled spirits within 40 bonded warehouses. Storage and industrial processes will occur within the FSDU (Filling Station and Disgorging Unit) and within the Tankfarm. Details of the proposed storage include:

Warehouses no. 1-40

Substance: Part 1- P5c

Installed above ground - YES

Maximum capacity (cubic metres) : 2,375

Highest vessel design temperature °C : Atmospheric

Highest vessel design pressure (bar absolute): Atmospheric

FSDU Day tank

Substance: Part 1- P5c

Installed above ground - YES

Maximum capacity (cubic metres) : 5

Highest vessel design temperature °C : 100°C

Highest vessel design pressure (bar absolute): 1.063 bar A

Tankfarm

Substance: Part 1- P5c

Installed above ground - YES

Maximum capacity (cubic metres) : 60

Highest vessel design temperature °C : 65°C

Highest vessel design pressure (bar absolute): 1.213 bar A

Relevant Site History

No relevant site history.

Other Relevant Site History

22/03861/FUL

Royal Elizabeth Yard

Kirkliston

Erection of warehouses, cask filling and disgorging facility with associated tank farm, tanker filling bay, welfare /support facilities and associated works. (AS AMENDED)

Granted

26 January 2023

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Environmental Protection Agency

Health and Safety Executive

Police Scotland

Queensferry and District Community Council

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 5 December 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 9 December 2022

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

For each proposed Hazardous Substance, this report will consider whether consent should be granted under Section 7 of the Planning (Hazardous Substances) (Scotland) Act 1997, by having regard to any material considerations and in particular assessing the following material considerations specified by Section 7:

- (a) to any current or contemplated use of the land to which the application relates,
- (b) to the way in which land in the vicinity is being used or is likely to be used,
- (c) to any planning permission or development consent that has been granted for development of land in the vicinity,
- (d) to the provisions of the development plan and
- (e) to any advice which the safety regulator has given following consultations in pursuance of regulations under section 5(2).

In the assessment of other material considerations this report will consider:

- equalities and human rights;
- public representation and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) Assessment

a) Current or contemplated use of the land to which the application relates

The site is an established storage and distribution complex that has recently received planning permission for the redevelopment of the site and intensification of said use to cover approximately 80,000m² GFA of the site. The storage of distilled spirits and associated minor industrial uses shall not compromise the existing use of the site and would be compatible with that use. The current use of the land will remain as storage and distribution and will not change as a result of this Hazardous Substance Consent (HSC) and the proposal is therefore justified.

b) The way in which land in the vicinity is being used or is likely to be used

The proposal is located between the Dalmeny Spur railway line to the west and the Ineos oil storage depot to the north east. The site is bounded by agricultural land with residential and commercial dwellings to the south and north east. The surrounding plots are generally agricultural and industrial in nature with small-scale residential/agricultural developments, and large industrial facilities.

Both the Royal Elizabeth Yard complex and the Ineos Oil Storage depot have existed next to one another for several decades. Pool fire calculations note that anticipated hazard zones would remain within the Royal Elizabeth Yard's respective zones and would not impact on the Ineos Oil Storage depot zones.

The proposal for the storage of the hazardous substances kept on the site will not compromise the way in which land in the vicinity is being used or is likely to be used.

c) Planning permissions that have been granted for development of land in the vicinity

During the determination period, there has been no account of any proposed developments in the surrounding areas that may have been granted planning permission but are not yet built. Therefore, any other planning permission granted within the vicinity of the zones will not be compromised as a result of this HSC.

d) The Development Plan

NPF4 Policy 23 relates to Health and Safety, with policies 23 g)-j) relating specifically to Hazardous Substances and Hazardous Substance Certificates.

Consultation with the Competent Authority (Health and Safety Executive (HSE) and SEPA) was carried out and no objection was raised. The HSC application to store hazardous substances on the site does not raise new issues in relation to public health.

e) Health and Safety Executive advice

The Health and Safety Executive was consulted on the application and assessed the risks to surrounding areas. HSE and SEPA highlighted a discrepancy between the anticipated quantity of ethanol versus the quantity of distilled spirit applied for. The applicant confirmed that they wished to proceed with the determination of the application including the figures initially applied for. HSE and The City of Edinburgh Council agreed that this would limit the applicant to store only the quantity of distilled spirit applied for, and any amendments to the quantities of substances stored would be subject to further future applications and assessments. HSE noted that regardless of the discrepancy of figures, the overall fire risks and advice note would not be impacted by the amendment of the figures. In light of this assessment, HSE concluded that there would be no significant risks associated with the application.

Subject to conditions, HSE has concluded that risks to the surrounding population arising from the proposed operations are sufficiently small that there are no significant reasons for refusing Hazardous Substances Consent on safety grounds.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

No comments received.

Conclusion in relation to identified material considerations

The other material considerations have been identified and addressed. There are no new material considerations.

Overall conclusion

In accordance with the Planning (Hazardous Substances) (Scotland) Act 1997, the application to store hazardous substances on the site is acceptable in terms of the risk to the surrounding land, neighbouring occupiers, and the development plan. There are no material considerations that outweighs this.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Condition

1. The hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application.

Reason

1. To safeguard public safety.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 2 December 2022

Drawing Numbers/Scheme

01,02a,03

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail:adam.gloser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Scottish Environmental Protection Agency

COMMENT: No objection.

DATE: 30 May 2023

NAME: Health and Safety Executive

COMMENT: No objection.

DATE: 19 May 2023

NAME: Police Scotland

COMMENT: We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

DATE: 20 December 2022

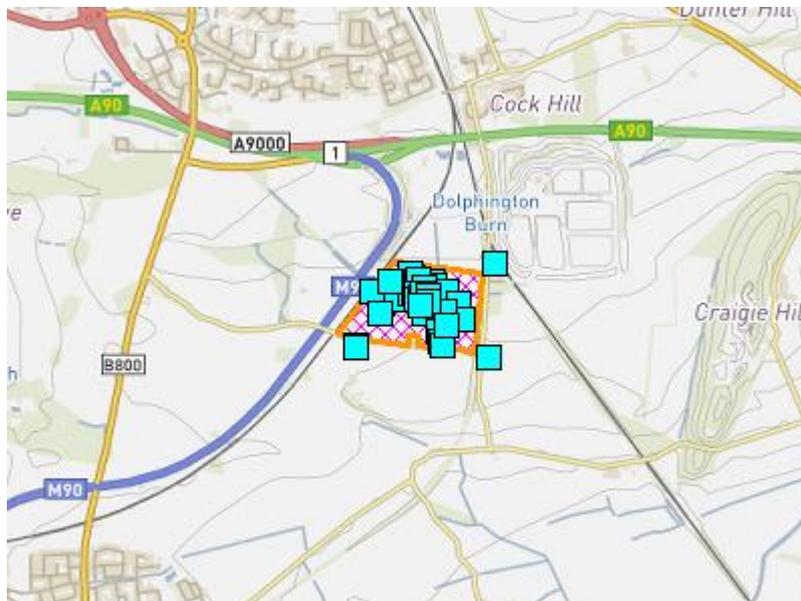
NAME: Queensferry and District Community Council

COMMENT: No objection.

DATE: 30 May 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420