



scotch whisky  
association

**GUIDE TO APPLYING FOR  
HAZARDOUS SUBSTANCE CONSENT  
TOWN AND COUNTRY PLANNING  
(HAZARDOUS SUBSTANCES) (SCOTLAND)  
REGULATIONS 2015**

**Third Edition**

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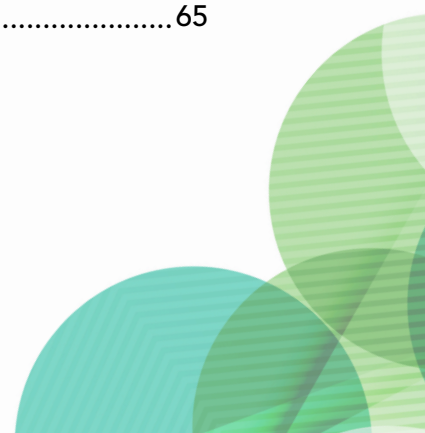
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## Introduction

This guidance is a broad framework to support Scotch Whisky distilling companies when applying for hazardous substances planning consent, HSC; under the 'The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.

The guidance outlines the requirements of the regulations and how these are satisfied when making an application. First by helping operators decide whether they need consent, and second by explaining the application process. In addition, where it is not mandatory to supply information, but that information would be asked for later in the assessment process (thus delaying the application), suggestions are made. We hope the guidance will increase awareness of the whole process, including how the system is administered.

In its essence, consent requires the identification of each hazardous substance involved, the process(es) carried out, the major equipment and vessel(s) involved, the quantity of hazardous substance, the locations in which they are held on site, and the operating conditions under which they are stored and/or processed. A key part of the application process is to engage with the relevant authority and regulators as early as possible. Through effective dialogue, potential pitfalls may be minimised or even eliminated before a formal application for consent is made.

This document includes links to example application forms, checklists, and 'typical' drawings included in applications. In addition, there are sources of further information given to assist applicants and their agents to make a complete and valid application.



## Outline of Legal Requirements

### Act and regulation

Even after all reasonably practicable risk reduction measures have been taken to ensure compliance with health and safety legislation, there will still remain a residual risk from hazards which cannot be eliminated entirely. The purpose of HSC is to ensure that the residual risk (for example the risk of fire and explosion from flammable substances) is compatible with the population at developments in the vicinity, also to the environment; before the hazardous substances applied for are allowed to be present. The [Planning \(Hazardous Substances\) \(Scotland\) Act 1997](#) (the 'PHS Act') together with the [Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015](#) (the 'Regulations') implement the main requirements of the Seveso III Directive 2012/18/EU (retained after Brexit) regarding consent for the presence of hazardous substances. Their implementation by Scottish Government is also expressed through '[Planning Circular 3/2015: Planning controls for hazardous substances](#)'.

The PHS Act requires that hazardous substances held, 'on, over or under the land': can only be kept or used above prescribed threshold quantities; after the Planning Authority (PA) has had the opportunity to consider the degree of risk arising to persons in the surrounding area, and to the environment; and only then determine to grant HSC.

The Regulations, made under the PHS Act, list the hazardous substances and their categories, giving the controlled quantity threshold and exemptions. It also outlines the processes for applying, and determining, applications for HSC. They include provisions for land-use planning appeals to Scottish Ministers; and actions that deal with contravention of HSC.

It should be noted that HSC is both administered and granted by the Planning Authority (PA). The PA is most often the local council, but can be other bodies such as a National Park Authority or an Urban Development Corporation. If there is any doubt who is the appropriate authority the local council should be the first port of call. The requirement for consent is in addition to any planning permission which may be required where a site proposes to erect buildings for the storage and/or the processing of hazardous substances. Where both planning permission and hazardous substances consent are required, separate applications will be necessary; there is no prescribed order in which to make the applications.

### Site development

Refurbishment or further development of an existing site for which consent has already been granted, may require the HSC to be revised if the changes involve a hazardous substance. Significant changes may include the process (or process parameters such as strength of spirit), location, additional pieces of processing equipment containing the hazardous substance, or increasing the size of a vessel holding a hazardous substance.

### Relationship to COMAH

The implementation of the 2015 Control of Major Accident Hazards regulations 'COMAH', is through a separate notification process and is independent of the HSC regulations and application process. It is recommended that very early in the business planning stage for a new site or expansion of an existing facility, the Applicant consider: applications for Planning Permission, Hazardous Substances Consent, and if necessary notification to the Competent Authority under COMAH. The focus of this document is HSC, guidance on COMAH<sup>7</sup> is available separately on the [HSE website](#).

### Hazardous substances

Hazardous substances and categories that are subject to controls together with their specified 'controlled quantities' at or above which hazardous substances consent is required are set out in [Schedule 1 to the](#)

**2015 Regulations.** Consent is always required for a hazardous substance to be present in an amount equal to or greater than its controlled quantity. Consent is also required where the individual quantities of two or more hazardous substances present are each below their individual controlled quantity, but the result of the addition formula yields a result that is equal or greater than one. Further details of this rule for addition can be found in Schedule 1, Note 5, of the Notes to Parts 1 and 2 of the 2015 Regulations (as amended in 2022); they are included in [Appendix 2](#) of this guidance. Hazardous substances on site, other than spirit, may also require HSC; at a distillery these often include biogas, LPG, gas oil and diesel oil.

Failing to operate within a consent, or failing to comply with the conditions of a consent, could expose people in the surrounding area to levels of risk which are incompatible with that surrounding development. Failure to obtain consent when required may allow incompatible development to take place around the site, placing people at unacceptable levels of risk. Consequently, contravention of these regulations is a criminal offence which may result in an unlimited fine.

### Maximum quantities present on site

The maximum quantity of each of the hazardous substances for which consent is being sought should be given in Table A. It is not required that the quantities in [Table A](#) reconcile with the sum of the capacity of the vessels, major equipment items, and movable container areas. A site can manage its inventory so it stays below the consented quantity in Table A, even though it has the capacity to exceed it.

### Area under control

HSC applies just to that parcel of land marked on the hazardous substance location plan.

If consent is granted, the application form and its supporting drawings form the basis of the legal entitlement for the hazardous substance(s) to be present; but only when kept, used, and transported as they describe. It should be noted that if part of the land for which HSC has been granted is sold, the whole consent is lost, unless a 'Continuation of Consent' is applied for and granted **before** the transfer of the land takes place.

Please note that Applicants must give notice to the owner of the land to which the application relates before an application is made and complete a certificate of ownership, as set out in Schedule 3 of the Regulations (if required by Regulation 5). Your Planning Authority may have a specific form to be completed.

### Spirit categorisation

Spirit held in maturation warehouses falls within the category 'P5c', which has a controlled quantity threshold of 5,000 tonnes. Ethanol/water mixtures undergoing the distillation process normally have the category 'P5b', which has a threshold of 50 tonnes. However, if an ethanol/water mixture is processed in a superheated state, which may for example occur within continuous stills; these liquids have the classification 'P5a', with a threshold value of 10 tonnes. It should be noted that the general storage of bottled spirits can require hazardous substance consent. This applies to sites such as bottling plants, as well as bonded warehouses. For more information see [Categorisation of ethanol/water mixtures in applications](#), on [page 12](#).

### Neighbour notification

Under the application process 'neighbour notification' is requirement of the HSC application process. A public notice must be posted in the local newspaper by the Applicant (a copy of this must be included with the application). Neighbours and the public have a 21-day period to object. Some Planning Authorities (PA) may have alternative arrangements for posting notices. It is recommended the Applicant confirm the requirement for neighbour notification with the relevant PA before submitting an application.

## Role of the HSE in determination of the application

The HSE is one of the statutory consultees for hazardous substance consent. Following assessment of an application the HSE's advice to the Council is binary: the HSE either 'Advises Against', or 'Does Not Advise Against'. Granting of consent is based on the assessed level of hazard and risk associated with the application, together with the nature of surrounding developments.

Once the PA has received feedback from all consultees, it will then make a decision as to whether or not it will grant hazardous substances consent (with or without conditions). The PA is obliged to take into account material considerations such as: the development plan for the area, the advice of HSE and other consultees, and also any planning permissions already granted in the vicinity.

When the HSE gives 'Does Not Advise Against' advice to the PA for an application, it may be on the basis of additional specific 'conditions of consent'. These are normally included within the decision notice which contains the granted consent. SEPA are also 'Statutory Consultees' for HSC and follow a separate assessment process. See section '[Additional information that may be required by SEPA](#)'.

Should the PA 'determine to grant' consent, the HSE will issue the PA with consultation zones for the site in question in the form of a risk map (as an electronic document), often called the 'Three Zone Map'. The consultation zones determine what types of proposed development would be considered compatible with the site. In the event that consent is refused by the PA, companies have the right of appeal to the Scottish Ministers.

## HSE's Land Use Planning (LUP) Methodology

Where the HSE has made its assessment and established a Consultation Zone (CZ) around the site, it will advise the Planning Authority (PA) accordingly. Within the CZ the PA will consult the HSE for the specific types of developments proposed, for example: houses, schools, hospitals, care homes, creches, retail, industrial premises etc (developments where people will normally be present).

In 2015 the HSE provided Planning Authorities with direct on-line access to a software decision support tool built into the HSE's Planning Advice '[Web App](#)'. The app employs the HSE methodology<sup>9</sup> to provide advice for the majority of relevant planning applications within the CZ, replacing the need to contact HSE. The Web App is also available to developers (builders, speculators etc) to identify if a proposed development site lies within the Outer Consultation Zone of a major hazard site, or major hazard pipeline. Developers can also use the Web App to obtain HSE's pre-application advice on their proposal, although there is a charge for that particular service.

The PA is also required to consult a number of other bodies including the Fire & Rescue Service, Scottish Natural Heritage, Police Scotland, Coal Authority, National Parks, the Community Council for the area; and should consult its own internal departments, for example environmental health.

Further information on HSC and HSE's LUP Methodology may be found on the [HSE's website](#). Enquiries about HSC can be made by emailing HSE [HazSubCon.CEMHD5@hse.gov.uk](mailto:HazSubCon.CEMHD5@hse.gov.uk); and on Land Use Planning at [lupenquiries@hse.gov.uk](mailto:lupenquiries@hse.gov.uk). It must be emphasised that the first port of call should always be the local Planning Authority/local Council before contacting the HSE.

## Timing of application submissions

The timing of application submissions is crucial when considering when a new process or storage facility is required for use and should not be overlooked by operators.

The regulations give a statutory 21-day period for the determination of applications for hazardous substances consent; however, this is not current agreed government practice. The HSE normal response times for requests from the PA for advice on HSC applications are 13 weeks for simple cases, and 26 weeks for those which are deemed to be complex. Please note that during busy periods these norms may be



extended considerably.

If Statutory Consultees do not have sufficient information within the application and its supporting documentation, they will not be able to complete the assessments that inform their 'advice'. In these cases, the application will be returned to the PA, unassessed, and without advice. The PA will then either reject the application, or require the Applicant to restart the application process, incurring delay.

***The starting point for Statutory Consultees is that a site will be compliant with primary legislation. The HSE will need to ensure that there are no obvious unresolved issues. This includes compliance with the Health & Safety at Work etc. Act 1974.***

It is strongly recommended that early contact is made with your PA and Regulatory Inspectors with an outline of your intended proposal, especially where there are existing non-compliances or incompatibilities within an establishment. Clarification of issues identified should ensure problems are resolved, and thus delays in the application process are minimised.

Applicants should allocate sufficient time early within the project schedule for generating the application, and its supporting documents; to ensure that a complete and valid application is submitted. The guidance and forms included with this document will assist in ensuring all areas are covered in the required detail.

***It is recommended that Applicants allow at least six months before intended use for a simple case, and twelve months for complex or large installations.***

## **Advice to Industry on the Application Process**

There are four different types of application:

- i. General Application for Hazardous Substances Consent
- ii. Application for Variation to the existing Hazardous Substances Consent
- iii. Application for Continuation of Consent
- iv. Application for a Minor Change

It should be noted that the regulations no longer prescribe particular application forms. However, using anything other than the application forms on the HSE website, or the PA prescribed forms (or a reproduction of either): could lead to an invalid application as there may be insufficient information for a meaningful assessment.

### **(i) General Application for Hazardous Substances Consent (previously known as Form 1)**

New or additional consent should be made for:

- additional plant and equipment containing a significant amount of the hazardous substance
- new hazardous substances to be present
- new locations (tank farms, storage areas, off-loading areas etc.)
- **new sites that require consent**

### **(ii) Application for Variation of Consent**

Variations should be made to:

- remove or modify an existing condition (usually about process conditions, material properties, off-loading times etc)
- increase the size of an existing vessel or equipment in its current position

- addition of a small vessel containing a material for which consent already exists in an existing bund
- change in the maximum consented quantity, but no change to location and number of vessels, the process, or major equipment
- replacement equipment of a higher capacity in existing areas

### (iii) Application for Continuation of an Existing Consent

Continuation should be applied for when control/ownership of part of an area of land enjoying consent is to be changed. An Application for Continuation should be made and granted before transfer. More than one application will be required if an existing entitlement is to be divided between parts of the same site. Consent is automatically revoked if the transfer is made before the Continuation is granted.

### (iv) Minor change to an Existing Consent

Minor Changes are small changes to a consent which are considered not to affect the risk/hazard profile of the site, so there would be no need to change the extent or position of the existing Consultation Zones. Minor changes may be extensions to bunds but with no additional vessels placed in them, very small changes in vessel capacity, small change in the number of vehicles carrying the dangerous substance parked overnight. There is no specified form to support an application for a 'minor change'. It is normal to submit the Minor Change on a General Application Form and mark on the form that it is for a 'minor change', this is usually referred by the PA to the HSE to decide if it is indeed a 'minor change'.

## Deemed Consent

Sites that held hazardous substances present before the HSC regulations first came into place in 1992, were allowed at that time to submit a 'Deemed Claim' for an 'established quantity' within a set time frame. This process allowed the Applicant to claim up to twice the established quantity if they wished. Applications for Deemed Claims were 'accepted' by means of a letter from the PA, they were not granted. Should the documented consent history of a site be incomplete, or uncertain, this should be raised with the PA as they maintain and hold the only official register of consents.

## Consolidating Existing Consents at the time of making a further application

Subsequent granted HSC applications cumulatively increase consent entitlement. Because the HSC regulations have never been consolidated, the different substance classification systems used in successive regulations: 1992, 1999, 2009, 2015 etc; can lead to confusion and uncertainty as to which substances may already enjoy consent. Applicants are advised to consider making a consolidated HSC application that combines all existing consent details: showing all vessels and equipment requiring consent on a revised location drawing; ensuring they all appear in the vessel and equipment tables, together with those additional items being proposed; and using the current classifications for both new and existing hazardous substances. An application for consolidated consent will, if granted, lead to a single HSC covering all substances vessels and equipment on the site. This adds clarity to the site's consent position for both the operator and regulator.

When a further application is made, the information from a previous consolidated application can be simply added to, including the proposed additional consent, denoted by use of a different colour. This will, in most cases, simplify the assessment process and should significantly reduce the time taken for the PA to determine the application.

## Making an effective application

The following will assist your application through the assessment process:

- Submit an application that consolidates the substances currently being applied for, together with those that already have been granted consent.
- If you have a consolidated consent, add any revisions to the previous form used for the consolidated consent; highlighting any additions or changes, preferably in a different colour.
- Including ALL extant consents relied upon in the documents submitted, matching Decision Notices and their respective application forms.
- Include individually, each of the fixed vessels in Table C (i); and for each individual moveable container area such as warehouses (for IBCs, barrels etc.) in Table C (ii).
- Use references in Table C (i) that are unique for each vessel and piece of equipment; directly cross-referenced and reconciled to items shown on the "Hazardous Substance Location Drawing".
- For firewalls within warehouses; include their location, standard and level of protection.
- Collate warehouse references, together with the cell/sub-division references they contain, for example WH1-A, WH1-B, WH1-C; WH2-A.....etc.

Sufficient information must be provided to meet the Regulations. For example, each permanent vessel used to store or process the hazardous substance should have a unique identity that is shown within the form, and on substance location plans that indicate where each fixed vessel is located.

It should be noted that the regulations require the maximum capacity of each vessel or moveable container to be stated. For process plant, including stills, this would be the functional maximum quantity (in tonnes) liable to be present, which may be greater than the volume for normal operating conditions.

The volume of the hazardous substance contained applies to mixtures, such as ethanol in water.

Incomplete or invalid applications will be returned by the PA. Three of the main causes of applications being returned are:

- a submission for a 'Variation' when a general application is required for additional consent (the variation form does not all have all the information required);
- a submission based on the content and format of previous claims for 'Deemed' consent;
- not including all the vessels and equipment on the application form.

The regulations require the quantity of hazardous substances to be expressed as a mass in tonnes. It is for the Applicant to decide on the amount of each substance they require, as this will determine what they can have on site within their consent once granted. Most Applicants choose to express quantities in whole tonnes. There is little benefit in recording amounts in tonnes beyond three decimal places i.e. in no smaller units than kg. There is however a benefit in also expressing the composition of water/ethanol mixtures in terms of mass of water and mass of ethanol (in addition to the mass and category of the mixture as a whole). From a risk assessment perspective this could produce smaller hazard zones around the site. It should be noted that the assessment considers the maximum inventory the consent allows stored in the indicated locations that give rise to the greatest risk.

For example, a still with a maximum functional volume of 18,500 litres and filled with wash at a strength of 8%ABV will contain a volume of ethanol of  $(18,500 \times 8/100) = 1,480$  litres. This volume of pure ethanol has a mass of  $1,480 \times 0.7890 = 1,168$  kg or 1.168 tonnes, using a specific gravity (SG) of 0.7890 for pure ethanol.

Volume of water in this mixture is  $18,500 - 1,480 = 17,020$  litres.

Mass of the water is  $17,020 \times 1 = 17,020$  kg or 17.020 tonnes.

Mass of the mixture as a whole is  $17,020 + 1.168 = 18.188$  tonnes.

The most frequent reason for an application being returned is not listing all vessels and equipment. These should be individual entries on the form with a unique identifier and all details completed. Do not use statements like vessels 1 -14; instead enter each vessel and its details in turn. Ensure the footprint of each individual vessel and equipment containing the hazardous substance is shown on the hazardous substance location plan. The reference used on the vessel and equipment tables should be cross referenced with the location plan, for example "Vat 1" that appears within Tables should be clearly seen as "Vat 1" in the supporting drawings and documents. Be consistent with vessel area references. Applications have often been returned because a reference has been changed in the table and not on the location plan. Moveable container storage areas also need to be listed and shown on the hazardous substance location drawings.

### Categorisation of ethanol/water mixtures in applications

SWA has carried out tests on sustained combustion<sup>8</sup> of 'wash' material prior to distillation  $\leq 12\%$  ABV, the results confirm that it does not fall within P5c in Schedule 1 of the [Regulations](#). The exemption test certificate should be enclosed with the hazardous substances consent application (available for SWA members on request). However, this test is not valid for ethanol mixtures with a flash point of less than 35°C, or those within processes involving high temperature and pressure (e.g. continuous distillation). If duty holders wish to store or process a liquid with a different makeup to wash, they could consider testing to determine the HSC category. For advice on the CLP categories, contact: REACH & CLP Helpdesk: UKREACH@hse.gov.uk .

### Consideration of the presence of other hazardous substances other than those directly involved in the process

In addition to ethanol/water mixtures present, consideration also needs to be given to the quantities of other process materials such as LPG (and biogas), diesel fuel etc stored on site. For example, consider adding diesel fuel to the application if you store more than 50 tonnes of diesel fuel on site. Quantities of 50 tonnes or less of diesel fuel may be omitted if it is present in a location where it cannot act as an initiator of a major accident on the site and it is less than 2% of the 2,500 tonne threshold. For more information see para 15 of Schedule 2 of the Regulations '[Presence of Small Quantities of Substances](#)'. However, diesel oil or other substances may need to be included if required by the Addition Rule (see [Appendix 2](#)).

For the addition rule, diesel and heavy fuel oils both belong to two hazard groups. These groups are physical hazards, due to their flammable nature, and environmental hazards as they are hazardous to the aquatic environment in the event they are released. Therefore if the hazardous substance is beneath the threshold for physical hazards you may need to consider the threshold for environmental hazards.

### Road tankers

Road tankers containing spirit should be included in Table C (ii) including the maximum capacity of each tanker on site at any one time (include all bays). Road tanker offloading and overnight parking locations should also be marked on the hazardous substance location plan.

Further details of the other hazardous substance deliveries should be provided such as: frequency of delivery, maximum tanker capacity (volume/tonnes), position of off-loading/loading and parking on the hazardous substance location plan. Additional information which can be helpful to provide include: the method of how they are loaded/unloaded (e.g. bottom-filled/top-filled, including pipe/flexi-hose sizes, and

pump rates); safety features incorporated, such as overfill protection; containment, means of preventing driving off with hose attached etc. Consideration should be given to providing adequate long term on-site parking facilities located in an appropriate area.

### Separate sites?

Distillery operations carried out by the same operator within 500m of the main site, will be treated as being on the same site. If they are more than 500m apart then separate hazardous substances consent applications will need to be made (see [para 2.2 'Requirement of Hazardous Substances Consent' within PHS Act](#)).

### On-site buildings used for accommodation or visitor centres

Details of on-site buildings where members of the public are present should be included on the site map and described on the application form, including visitor centres.

This also includes temporary or permanent dwellings such as hotels, private or staff residences, or holiday cottages. They should be indicated on the site plan and occupancy listed in the further information section of the application form.

### Maturation warehouses

Warehouses can employ several systems of storage (high bay racking, dunnage, palletised). These are frequently changed or modified to increase capacity. Applicants need to declare the maximum quantity of hazardous substance they wish to store in each warehouse. This quantity may be constrained by Health & Safety, and other regulations.

It is good practice to sub-divide maturation warehouses into smaller fire resistant cells/compartments. If a warehouse is divided into fire resistant cells/compartments, referencing should differentiate between which are cells, and which are complete buildings. For example if Warehouse 1, is sub-divided into four cells by fire resistant walls, this could be represented as WH1(a,b,c,d). The details of all warehouses and their respective cells should be given. Cells/compartments of different sizes should be clearly differentiated, as hazard ranges are dependent upon size, and are drawn from each fire resisting cell and its boundary. Do not simply list as Warehouse 12 -24, enter each warehouse separately.

It should be noted that there are ongoing consultations regarding the minimum ventilation requirements for warehouses. The results for which will be communicated in due course. Ventilation is particularly important when considering the repurposing of existing buildings as warehousing. You should discuss this with your regulatory inspector.

### Additional information that may be required by SEPA

SEPA may need a description of the immediate environmental setting, confirming those aspects that are relevant to the risks or consequences of a major accident. Consideration should be given to describing potential environmental pathways and environmental receptors. This shall include details of a suitably designed SUDS system with an accompanying SUDS Drainage, Fire Water and Spill Mitigation Strategy. You will need to provide suitable drainage drawings showing any fire traps. Applicants should consider local policies for flood risk areas and compliance with the [Flood Risk Management \(Scotland\) Act 2009](#). It would be helpful to include a summary of the environmental risk assessment conclusions undertaken using the [CDOIF Guideline on Environmental Risk Tolerability for COMAH Establishments](#) where applicable.

### When using an agent

If you are using an agent it is useful if you also include the site contact details on the form as well. The Applicant should be aware that responsibility for making a sufficiently detailed application, complete with supporting documents, remains solely with the Applicant. It is not uncommon for an agent not to make the

Applicant sufficiently aware of the status of the application or of a request for further information from the HSE.

### Making a timely application

In certain circumstances, planning permission may be granted but hazardous substance consent may not. The consent application may highlight problems such as incompatibility of a particular storage location or process. Given the relatively low cost of a hazardous substance consent application compared to planning permission, it makes good business sense to submit the application for HSC at the same time, or preferably well before applying for planning permission. This early approach may reduce costs incurred in nugatory work should changes to proposed site layout and plant details be required.

If an application is critical and a progress update is needed, the Applicant may ask the PA for a copy of the HSE holding letter, normally sent within 14 days of application receipt by HSE. This will show that the application has been forwarded by the PA and accepted by HSE for assessment.

Whilst new plant can be built without hazardous substance consent being obtained, companies cannot bring a new vessel involving hazardous substances into operation or bring a new hazardous substance on to the site until they have been granted consent.

HSC is a devolved matter. The PA, in their role as Hazardous Substance Authority, ultimately they are responsible for the application process and should be approached if you have any questions about the progress of your application or its handling.

### Approximate cost of an application

The cost of an application for hazardous substances consent is £1,000 if the quantities applied for exceed twice the controlled quantity (e.g. greater than 10,000 tonnes for P5c flammable liquids). A fee of £500 is charged for: less than twice the controlled quantities, removal of conditions, or Continuation of consent.

## Application Documents

As discussed in the previous section, the current regulations for hazardous substance consent no longer includes prescribed forms. Configurable forms in Word format, that will assist the Applicant, are available on the HSE Website, a link to each of these is given in the following pages. The rows within tables in the e-forms can be extended to suit the detail of your application, and allows sections for additional information to be added.

Suggested checklists have also been included following each application form type appended. The checklists have been provided for your own use and do not form part of the formal application documents. A third column has been provided for you to use as a simple tick list for you to check that your response is complete before submission.

An important part of the application, which is often overlooked, is a covering letter outlining what is being applied for, and the particular circumstances that have led to the application being made. This should front the application and be included with: the appropriate application form populated with the site details; supporting documents including drawings; copies of previously granted consent(s); if necessary certificates of ownership for the land to which the application relates (see Regulation 5).

***The example covering letter, application forms and drawings for a fictitious generic site have been included in the following sections. These indicate the type and level of detail required to make a complete application. They are for illustration purposes only. Applicants should consider how their site differs from that of the detail offered, and use as appropriate to their own site.***

## Suggested document formats

- Application Forms: Microsoft Word (.doc & .docx) or Portable Document Format, PDF (.pdf.)
- Maps and Plans: PDF files suitable for use with Adobe Reader with sufficient image resolution to view the detail; and to the minimum scale required by both the Act and Regulation.
- Additional tabular information: Word table(.doc & .docx) and Microsoft Excel (.xlsx); prompted by information required by, and format of, tables in the application form. It is very important that the file is given a logical file name that includes: an applicant name, site name, document type, and date.
- Examples of drawings and information to be included within them are shown in Appendix 1 at the end of this guide. Ensure that any drawings converted from AutoCAD (.dxf etc) still have the required resolution when converted to other formats.

In cases where other document formats are provided by applicants, these formats may not be accessible by Planning Authorities, HSE or SEPA, and may lead to an application being returned unassessed. If in doubt ask before your application is submitted.

## Covering letter

Include a short letter that explains why an application is being made. It should provide a summary, and reference all of the supporting documents, with a brief outline of what each supporting document contains (i.e. gives the context of the application). If you have carried out calculations using the addition rule include these in the letter.

Always mention the covering letter in the additional information section of the application form, as some Authorities routinely do not forward it with the application. An example of the covering letter has been provided. The example letter does not relate directly to the content of forms elsewhere in this guide and is shown on the next page.

## Application for New/Additional Hazardous Substances Consent: XYZ Distillery Ltd, Tan Hill, Somewhere, AA4 5XQ

The XYZ Distillery Ltd is a Scotch Whisky distiller who is applying for hazardous substance consent under Regulation x of The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 ['2015 Regulations'].

The distillery expansion plans leads to the quantities of hazardous substances proposed exceeding our existing consent [HAZ/001456/15](#) and additional changes will be required:

- increase of total P5(c) to 100,000 tonnes;
- additional continuous stills to increase distillation capacity;
- significant increase in maturation warehouse capacity extension of existing WH2 & 4, additional WH5;
- new tank farm;
- additional bottling and blending hall;
- increased hard standing for overnight parking of filled whisky spirit road tankers. Full details of these changes are given in the attached application form and the list of supporting documents supplied as part of this application:
- Application form ref xyz, dated xx/xx/xx.
- Hazardous Substance Location plan ref xx/xxxxxx/rev x.
- Details of warehouses WH2, WH4 & WH5.

Signed

Dated



## General Application - Regulation 6

The General Application form, "(General) Application (scotland-application-1.docx)" is available on the HSE website. Click on the following to access the form: [HSE: Land use planning - Application forms for hazardous substances consent - online wizard](#). An example application using the details of a fictitious site is provided below, followed by a checklist for use by the Applicant to ensure all contents of the form and associated supporting documents are reviewed for completeness before submission. *Detail in the tables shown in green is not mandated but will assist with the assessment process.*

The Planning (Hazardous Substances) (Scotland) Act 1997 - Section 5(1)

The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 (Regulation 6)

### Application for Hazardous Substances Consent

1

|                  |                         |
|------------------|-------------------------|
| Applicant        | ABC Distillers Ltd      |
| Address          | Star Lane,<br>Anywhere. |
| Post code        | XX4 9QX                 |
| Telephone number | 01234 567891            |

|   |              |
|---|--------------|
| Agent acting on behalf of the applicant | As necessary |
| Address                                 |              |
| Post code                               |              |
| Telephone number                        |              |

Correspondence (including any Notice) to be sent to the agent instead of the applicant? **Yes or No?**

As necessary

If the applicant is not the person in control of the land to which the application relates, provide details of the **person in control of the land.**

As necessary

2

Address or other location details of application site

ABC Distillers Ltd

Upper Site

Star Lane,

Anywhere

Post code

XX4 9QX

OS grid ref

In form: NS 123 123 [or Easting, Northing; 123456, 78900; may be accepted]

### 3 Hazardous substance(s) covered by the application.

- (a) List named substances falling within Part 2 of Schedule 1 to the Regulations first, then list any substances falling within the categories in Part 1 of that Schedule; finally list substances falling within the description in Part 3.
- (b) Substances falling within Parts 1 or 3 of Schedule 1 to the Regulations may be listed under the relevant category or description or named specifically. Where a substance falls within Part 1 and 2 list under Part 2 only; where a substance falls within more than one category in Part 1 list under the category which has the lowest controlled quantity. Where a substance falling within Part 1 or 2 also falls within Part 3, list under the Part which has the lowest controlled quantity. The “controlled quantity” means the quantity specified for that substance in column 2 of Parts 1, 2 or 3 of Schedule 1 to the Regulations.

Table A

| Name, or relevant category or description of substance                         | Part number in Schedule 1 to the Regulations, and entry number if Part 2, category if Part 1, identity if Part 3 | Do you have a current PHS consent* in respect of this substance? (Yes/No) | If “yes”, state quantity for which consent granted | Maximum quantity proposed to be present in <u>tonnes</u> <sup>‡</sup> |
|--|--|---|--|---|
| Ethanol/water ‘wash’ max. 8% ABV   | N/A see enclosed certificate   | No  | -  | N/A   |
| Ethanol/water ‘low wines’ max. 26% ABV   | Part 1 – Entry P5c   | No  | -  | 10 tonnes   |
| Ethanol/water max. 72% ABV at its boiling point (spirit stills, Coffey stills) | Part 1 – Entry P5b   | No  | -  | 55 tonnes   |
| Ethanol/water (distilled spirit) max. 72% ABV – ‘spirit’ for maturation        | Part 1 – Entry P5c   | No  | -  | 10,000 tonnes   |

\*a hazardous substances consent

<sup>‡</sup>See section ‘Maximum quantities present on site’

#### 4 Manner in which substance(s) are to be kept and used

For each substance, category or description of substance, covered by the application, provide the following information, referring to the substance location plan where appropriate.

“vessel” means any container designed or adapted to contain hazardous substances which is affixed to the land, and includes a container which forms part of plant or machinery which is affixed to the land but does not include a pipeline.

“Buried” or “Mounded” vessel includes a vessel which is only partially buried or partially mounded.

“moveable container” means any container designed or adapted to contain hazardous substances other than a vessel.

(a) Tick one box below to show whether the substance(s) will be present for storage only or will be stored and involved in a manufacturing, treatment or other industrial process:

Table B

| Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Storage only | Stored and involved in an industrial process |
|---|--------------|--|
| <p><i>Ethanol/water:</i><br/><i>Part 1 – Entry P5c</i></p>  |              | ✓  |
| <p><i>Ethanol/water at its boiling point:</i><br/><i>Part 1 – Entry P5b</i></p>                                     |              | ✓  |

(b) For each vessel to be used for storing the substance(s) give the following information:

Table C (i)

| Vessel No*         | Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Installed above ground† (Yes/No) | Buried (Yes/No) | Mounded (Yes/No) | Maximum capacity (cubic metres)                                       | Highest vessel design temperature °C | Highest vessel design pressure (bar absolute) |
|--------------------|---|----------------------------------|-----------------|------------------|---|--------------------------------------|---|
| <b>Tank Farm 1</b> |   |                                  |                 |                  |   |                                      |   |
| T1                 | Part1-P5c<br><br>[for each entry, state which entry depending on ABV]   | Yes                              | No              | No               | 100m <sup>3</sup><br>(100,000 litres)<br>[4.2m diameter by 7.5m high] | Ambient                              | Ambient                                       |
| T2                 | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia 7.5m high]                             | Ambient                              | Ambient                                       |
| T3                 | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia 7.5m high]                             | Ambient                              | Ambient                                       |
| T4                 | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia 7.5m high]                             | Ambient                              | Ambient                                       |
| T5                 | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia 7.5m high]                             | Ambient                              | Ambient                                       |

| Vessel No*           | Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Installed above ground† (Yes/No) | Buried (Yes/No) | Mounded (Yes/No) | Maximum capacity (cubic metres)                 | Highest vessel design temperature °C | Highest vessel design pressure (bar absolute) |
|----------------------|---|----------------------------------|-----------------|------------------|---|--------------------------------------|---|
| T6                   | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia<br>7.5m<br>high] | Ambient                              | Ambient                                       |
| T7                   | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia<br>7.5m<br>high] | Ambient                              | Ambient                                       |
| T8                   | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia<br>7.5m<br>high] | Ambient                              | Ambient                                       |
| T9                   | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia<br>7.5m<br>high] | Ambient                              | Ambient                                       |
| T10                  | P5c   | Yes                              | No              | No               | 100m <sup>3</sup><br>[4.2m dia<br>7.5m<br>high] | Ambient                              | Ambient                                       |
| <b>Tank Farm 2</b>   |   |                                  |                 |                  |   |                                      |   |
| T11                  | P5(c)   | Yes                              | No              | No               | 66m <sup>3</sup><br>[4.0m dia<br>x 5.5m]        | Ambient                              | Ambient                                       |
| T12<br>(Bodega Tank) | P5(c)   | Yes                              | No              | No               | 44m <sup>3</sup>                                | Ambient                              | Ambient                                       |

| Vessel No*                                      | Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Installed above ground† (Yes/No) | Buried (Yes/No) | Mounded (Yes/No) | Maximum capacity (cubic metres)   | Highest vessel design temperature °C | Highest vessel design pressure (bar absolute) |
|---|---|----------------------------------|-----------------|------------------|-----------------------------------|--------------------------------------|---|
| <b>Batch Still Room</b>                         |   |                                  |                 |                  |                                   |                                      |   |
| ISR1<br>Intermediate Spirit Receiver            | P5(c)   | Yes                              | No              | No               | 5m <sup>3</sup>                   | Ambient                              | Ambient                                       |
| LW&F1<br>Low Wines & Feints Tank                | P5(c)   | Yes                              | No              | No               | 5m <sup>3</sup>                   | Ambient                              | Ambient                                       |
| <b>Spirit Receiver Store &amp; Cask Filling</b> |   |                                  |                 |                  |                                   |                                      |   |
| Spirit Vat SV1                                  | P5(c)   | Yes                              | No              | No               | 15m <sup>3</sup>                  | Ambient                              | Ambient                                       |
| Spirit Vat SV2                                  | P5(c)   | Yes                              | No              | No               | 25m <sup>3</sup>                  | Ambient                              | Ambient                                       |
| Spirit Vat SV3                                  | P5(c)   | Yes                              | No              | No               | 30m <sup>3</sup>                  | Ambient                              | Ambient                                       |
| <b>Bottling Hall</b>                            |   |                                  |                 |                  |                                   |                                      |   |
| BT1   | Part 1 – Entry P5c  | Yes                              | No              | No               | 9m <sup>3</sup><br>(9,000 litres) | Ambient                              | Ambient                                       |
| BT2   | P5(c)   | Yes                              | No              | No               | 9m <sup>3</sup>                   | Ambient                              | Ambient                                       |
| BT3   | P5(c)   | Yes                              | No              | No               | 9m <sup>3</sup>                   | Ambient                              | Ambient                                       |

\* identify by reference to substance location plan

† if "Yes", specify whether or not it will be provided with full secondary containment

- (c) For each substance, category or description of substance, state the largest size (capacity in cubic metres) of any **moveable** container(s) to be used for that substance, category or description of substances:

Table C (ii)

| Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Storage area on site*                                    | Maximum capacity (cubic metres) of individual moveable containers   |
|---|--|---|
| <i>Maturation Warehouses- High Bay</i>  |  |   |
| P5(c)   | WH1 a,b,c,d<br><i>(see firewall detail in section f)</i> | Each cell 10 m x 30m<br><br>For each warehouse cell: Contains a mix of casks 0.125m <sup>3</sup> (125L), barrel 0.2m <sup>3</sup> (200L)hogshead 0.25m <sup>3</sup> (250L), butts 0.5m <sup>3</sup> (500L)<br><br>Total volume P5(c) 500m <sup>3</sup> /500,000L<br><br>~2,000no (~451te) |
| P5(c)   | WH2 a,b,c  | Each cell 13 m x 30m<br><br>For each warehouse cell: Contains a mix of casks 0.125m <sup>3</sup> , barrel 0.2m <sup>3</sup> , hogshead 0.25m <sup>3</sup> , butts 0.5m <sup>3</sup><br><br>Total volume P5(c) 500m <sup>3</sup> /500,000L<br><br>~2,000no (~451te)                        |
| P5(c)   | WH3 a,b,c,d,e  | Each cell 8 m x 30m<br><br>For each warehouse cell: Contains a mix of casks 0.125m <sup>3</sup> (125L), barrel 0.2m <sup>3</sup> (200L)hogshead 0.25m <sup>3</sup> (250L), butts 0.5m <sup>3</sup> (500L)<br><br>Total volume P5(c) 500m <sup>3</sup> /500,000L<br><br>~2,000no (~451te)  |



| <i>Maturation Warehouse - Dunnage</i>  |                              |   |
|--|------------------------------|---|
| <i>Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3</i> | <i>Storage area on site*</i> | <i>Maximum capacity (cubic metres) of individual moveable containers</i>  |
| <i>P5(c)</i>   | <i>WH3 a,b,c,d,e</i>         | <i>For each warehouse cell 30m x 15m: Contains a mix of casks 0.125m<sup>3</sup> (125L), barrel 0.2m<sup>3</sup> (200L) hogshead 0.25m<sup>3</sup>(250L), butts 0.5m<sup>3</sup> (500L)<br/><br/>Total volume P5(c) 500m<sup>3</sup>/500,000L<br/>~2,000no (~451te)</i> |
| <i>P5(c)</i>   | <i>WH4 a,b,c,d,e</i>         | <i>For each warehouse cell 30m x 15m: Contains a mix of casks 0.125m<sup>3</sup> (125L), barrel 0.2m<sup>3</sup> (200L) hogshead 0.25m<sup>3</sup>(250L), butts 0.5m<sup>3</sup> (500L)<br/><br/>Total volume P5(c) 500m<sup>3</sup>/500,000L<br/>~2,000no (~451te)</i> |
| <i>P5(c)</i>   | <i>WH5 a,b,c,d,e</i>         | <i>For each warehouse cell 30m x 15m: Contains a mix of casks 0.125m<sup>3</sup> (125L), barrel 0.2m<sup>3</sup> (200L) hogshead 0.25m<sup>3</sup>(250L), butts 0.5m<sup>3</sup> (500L)<br/><br/>Total volume P5(c) 500m<sup>3</sup>/500,000L<br/>~2,000no (~451te)</i> |
| <i>P5(c)</i>   | <i>WH6 a,b,c,d,e</i>         | <i>For each warehouse cell 30m x 15m: Contains a mix of casks 0.125m<sup>3</sup> (125L), barrel 0.2m<sup>3</sup> (200L) hogshead 0.25m<sup>3</sup>(250L), butts 0.5m<sup>3</sup> (500L)<br/><br/>Total volume P5(c) 500m<sup>3</sup>/500,000L<br/>~2,000no (~451te)</i> |
| <i>P5(c)</i>   | <i>WH7 a,b,c,d,e</i>         | <i>For each warehouse cell 30m x 15m: Contains a mix of casks 0.125m<sup>3</sup> (125L), barrel 0.2m<sup>3</sup> (200L) hogshead 0.25m<sup>3</sup>(250L), butts 0.5m<sup>3</sup> (500L)<br/><br/>Total volume P5(c) 500m<sup>3</sup>/500,000L<br/>~2,000no (~451te)</i> |

| Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Storage area on site* | Maximum capacity (cubic metres) of individual moveable containers  |
|---|-----------------------|--|
| P5(c)   | WH8 a,b,c,d,e         | <p>For each warehouse cell 30m x 15m: Contains a mix of casks 0.125m<sup>3</sup> (125L), barrel 0.2m<sup>3</sup> (200L) hogshead 0.25m<sup>3</sup>(250L), butts 0.5m<sup>3</sup> (500L)</p> <p>Total volume P5(c) 500m<sup>3</sup>/500,000L</p> <p>~2,000no (~451te)</p> |
| P5(c)   | WH9 a,b,c,d,e         | <p>For each warehouse cell 30m x 15m: Contains a mix of casks 0.125m<sup>3</sup> (125L), barrel 0.2m<sup>3</sup> (200L) hogshead 0.25m<sup>3</sup>(250L), butts 0.5m<sup>3</sup> (500L)</p> <p>Total volume P5(c) 500m<sup>3</sup>/500,000L</p> <p>~2,000no (~451te)</p> |
| P5(c)   | WH10 a,b,c,d,e        | <p>For each warehouse cell 30m x 15m: Contains a mix of casks 0.125m<sup>3</sup> (125L), barrel 0.2m<sup>3</sup> (200L) hogshead 0.25m<sup>3</sup>(250L), butts 0.5m<sup>3</sup> (500L)</p> <p>~2,000no (~451te)</p>   |
| <i>Maturation Warehouses - Palletised</i>   |                       |  |
| P5(c)   | WH11                  | <p>For each warehouse: 250L casks</p> <p>Total volume 1,000m<sup>3</sup>/1,000,000L</p> <p>4,000no (~901te)</p>  |
| P5(c)   | WH12                  | <p>For each warehouse: 250L casks</p> <p>Total volume 1,000m<sup>3</sup>/1,000,000L</p> <p>4,000no (~901te)</p>  |
| <i>Maturation Warehouse North Complex - Palletised</i>  |                       |  |

| Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Storage area on site*                  | Maximum capacity (cubic metres) of individual moveable containers                                  |
|---|--|--|
| P5(c)   | WH13                                   | For each warehouse: 250L casks<br>Total volume 1,100m <sup>3</sup> /1,100,000L<br>4,400no (~992te) |
| P5(c)   | WH14                                   | For each warehouse: 250L casks<br>Total volume 1,100m <sup>3</sup> /1,100,000L<br>4,400no (~992te) |
| P5(c)   | WH15                                   | For each warehouse: 250L casks<br>Total volume 1,100m <sup>3</sup> /1,100,000L<br>4,400no (~992te) |
| P5(c)   | WH16                                   | For each warehouse: 250L casks<br>Total volume 1,100m <sup>3</sup> /1,100,000L<br>4,400no (~992te) |
| P5(c)   | Cask Filling in Spirit Receiving Store | Mix of casks. Max. capacity 30no, max. volume 1500L 1.5m <sup>3</sup><br>13.53te                   |
| P5(c)   | Wet Goods in Blending & Bottling Hall  | Bottled spirits – 700L per pallet, 16 pallets, max. capacity 11,200L (11.2m <sup>3</sup> ) 10.49te |
| Tanker Park 1   |  |  |
| P5(c)   | Tanker Park 1                          | 2 x 30m <sup>3</sup> , (2 x 26.42te) [ABV]   |
| Tanker Unloading / Loading Bay  |  |  |

| Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Storage area on site*          | Maximum capacity (cubic metres) of individual moveable containers |
|---|--------------------------------|---|
| P5(c)   | Tanker Unloading / Loading Bay | 1 x 30m <sup>3</sup> , (1 x 26.42te) [ABV]                        |

\* identify by reference to substance location plan

Table D

(d) Where a substance, category or description of substance is to be used in a **manufacturing, treatment or other industrial process(es)**, give a general description of the process(es), describe the major items of plant which will contain the substance(s); and state the maximum quantity (in tonnes) which is liable to be present in the major items of the plant, and the maximum temperature (°C) and pressure (bar absolute) at which the substance, category or description of substance is liable to be present:

| Substance including Part no. in Schedule 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Description of process(es)   | Major items of plant*                            | Max. quantity (tonnes)                               | Max. temp. (°C) | Max. pressure (bar absolute) |
|---|--|--|--|-----------------|------------------------------|
| <b>Still House</b>  |  |  |  |                 |                              |
| Ethanol/water at its boiling point:<br>Part 1 – Entry P5b   | Batch Distillation   | Spirit Still 1 (swan neck)                       | 9.45te total<br>(2.05te ethanol/<br>7.40te water )   | 100             | 4                            |
| P5b   | Batch Distillation   | Wash Still 1 (swan neck)                         | 5.9te total<br>(.38te ethanol /<br>5.52te water)     | 100             | 4                            |
| P5b   | Continuous Distillation through use of Coffey type stills.<br><br>Rectifier column: boil-up rate | Indoor Coffey Stills<br>Analyser 1<br>Analyser 2 | 19.30te total<br>(2.70te ethanol /<br>16.60te water) | 100             | 4                            |

| Substance including Part no. in Schedule 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3 | Description of process(es)   | Major items of plant*   | Max. quantity (tonnes)                             | Max. temp. (°C) | Max. pressure (bar absolute) |
|---|--|---|--|-----------------|------------------------------|
|   | ~14,000kg vapour per hour.<br>Analyser column: ~7,000kg vapour per hour.<br>(production of about 70tonne per day)  | Rectifier 1<br>Rectifier 2 - heat generation, pumps, pipework   |  |                 |                              |
| Ethanol/water at its boiling point:<br>Part 1 – Entry P5b<br>Outdoor Coffey Stills                                      | Continuous Distillation through use of Coffey type stills.<br>Rectifier column: boil-up rate ~14,500kg vapour per hour.<br>Analyser column: ~7,500kg vapour per hour.<br>(production of about 75tonne per day) | Outdoor Coffey Stills<br>Analyser 3<br>Analyser 4<br>Rectifier 3<br>Rectifier 4 and -heat generation, pumps, pipework | 19.30te total<br>(2.7te ethanol / 16.6te water)    | 100             | 4                            |
| Ethanol/water ABV ≤72%:<br>Part 1 – Entry P5c   | Spirit blending  | Pumps, filters, pipework (see also Table C(i))  | 3.39te (4,000L)<br>2.27te ethanol/<br>1.12te water | Ambient         | Ambient                      |

\* identify by reference to substance location plan

## 5 Additional Information

- (a) If you have an existing PHS consent(s) as referred to in Table A, attach a copy of each consent to this application.

Not Applicable

(b) List the maps or plans or any explanatory scale drawings of plant/buildings submitted with this application (as a minimum submit a site map and a substance location plan – see Notes below).

- Site Location Plan at 1:10,000 scale, CEM5E-EG-WHISK-HSC-APP-001, Rev 2, 11/03/2023 Rev 2, 11/03/2023,
- Substance Location Plan – Main Site, at 1:2,500 scale, CEM5E-EG-WHISK-HSC-APP-002, Rev 2, 11/03/2023
- Substance Location Plan – Remote Warehouse, at 1:2,500 scale, CEM5E-EG-WHISK-HSC-APP-002B, Rev 2, 11/03/2023
- Tank Farm 1 Plan and Elevation drawing, CEM5E-EG-WHISK-HSC-APP-003, Rev 2, 11/03/2023
- Typical Warehouse WH1 to WH3 drawing, CEM5E-EG-WHISK-HSC-APP-004, Rev 2, 11/03/2023
- Palletised Warehouse Plan WH11 & WH12 drawing, CEM5E-EG-WHISK-HSC-APP-005, Rev 2, 11/03/2023
- Remote Warehouse Plan – WH13 to WH16, CEM5E-EG-WHISK-HSC-APP-006, Rev 2, 11/03/2023
- Batch Still Room, CEM5E-EG-WHISK-HSC-APP-007, Rev 2, 11/03/2023
- Elevation & Plan Views of Indoor Coffey Stills drawing, CEM5E-EG-WHISK-HSC-APP-008, Rev 2, 11/03/2023
- Elevation & Plan Views of Outdoor Coffey Stills drawing, CEM5E-EG-WHISK-HSC-APP-009, Rev 2, 11/03/2023
- Spirit Receiver Store & Cask Filling drawing, CEM5E-EG-WHISK-HSC-APP-010, Rev 2, 11/03/2023
- Blending & Bottling Hall drawing, CEM5E-EG-WHISK-HSC-APP-011, Rev 2, 11/03/2023
- Road Tanker Unloading/Loading Bay drawing, CEM5E-EG-WHISK-HSC-APP-012, Rev 2, 11/03/2023
- Certificate of testing that confirms that ethanol/water  $\leq$  12% ABV does not sustain combustion

(c) Provide a brief overview description of the **main activities** carried out or proposed to be carried out on, over or under the land to which the application relates.

*The site produces scotch whisky alcoholic beverages.*

*The general process to produce whisky is as follows: malting, mashing, fermentation (wash), 1<sup>st</sup> distillation (wash still), 2<sup>nd</sup> distillation (spirit still) then disgorging into various barrels for maturation. There is a spirit blending process to produce blended whisky. Spirit can be bottled on-site or moved onwards for maturation at other sites. Spirit can be moved back for bottling. Spirit can be moved by road tanker with a maximum size 30,000 litres.*

*The batch stills are indirectly heated by a supply of steam from the boiler house. The batch still house measures 10 by 20 metres in plan and the apex of the building is 8 metres high and 6 metres wall height (volume ~1,400m<sup>3</sup>). The continuous coffee still uses steam.*

*The dunnage warehouse cells/compartments are of a standard size of 30 by 20 metres (floor area 600m<sup>2</sup>).*

*The palletised warehouse cells/compartments are of a standard size of 50 by 30 metres (floor area 1,500m<sup>2</sup>).*

- (d) Provide details of how each relevant substance is proposed to be transported to and from the land to which the application relates, for example the size and frequency of vehicle deliveries, the size or maximum flow rate of pipeline imports/exports.

| Substance including Part number in Schedule 1 to the Regulations, and entry number if Part 2, category if Part 1, identity if Part 3 | How, and other details such as frequency and quantity, transported to and from the land to which the application relates |  |
|--|--|--|
|  | Transported to site  | Transported from site  |
| <i>Ethanol/water:<br/>Part 1 – Entry P5c</i>   | <i>Approximately 4 road tankers per week. Road tanker maximum size 30,000 L.</i>   | <i>Approximately 6 road tankers per week. Road tanker maximum size 30,000 L.</i> |

- (e) Provide details of the vicinity of the land to which the application relates, where such details are relevant to the risks or consequences of a major accident (relevant details include numbers of people in neighbouring developments that could be affected by a major accident).

*The immediate surrounding land is arable farmland. The distillery has two dwellings that we rent out. The nearest centre of population is a small village 150 metres away made up of private dwellings (population 151, 2011 census).*

*300 metres to the east there is a dual carriageway and a mainline railway line.*

- (f) Provide a brief overview of the measures taken or proposed to be taken to limit the consequences of a major accident.

*Fire detection and sprinkler system in all buildings.*

*Secondary containment (bund) around bulk storage tanks in tank farm. See drawing. Bund wall is 600mm in height and 59.6 by 12.5 metres in dimensions (1,500m<sup>2</sup>). The volume of the bund is 447m<sup>3</sup>. There are no other bunding arrangements on-site.*

*Maturation warehouse fire walls of fire resistant duration of 2 hours designed to BS 476.*

*Sloping kerb at maturation warehouse entrances capable of stopping the flow of liquid out of the warehouse from credible fire scenarios.*

*Emergency plan.*

- (g) Where applicable, provide a statement that the proposal is a project or part of a project, that is subject to a national or transboundary environmental impact assessment or to consultations between Member States of the European Union in accordance with Article 14(3) of European Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

*Not applicable*

- (h) Give any further information which you consider to be relevant to the determination of this application.
- (Will print as blank space if no further information provided)

I/We hereby apply for hazardous substances consent in accordance with the proposals described in the application

Signed .....

on behalf of .....  
(insert name of person in control of the land if different to applicant)

Date .....

To be accompanied by the certificate completed in accordance with regulation 5(2) of the Regulations (notice to owner by applicant), and the fee payable under regulation 55 of the Regulations.

**Notes**

“Site map” is a map, reproduced from, or based on, an Ordnance Survey map with a scale of not less than 1:10,000, which identifies the land to which the application relates and shows National Grid lines and reference numbers.





**“Substance location plan”** is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies-

- (a) any area of land intended to be used for the storage of the substance;
- (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
- (c) access points to and from the land.

## General Application Checklist

With your covering letter include the following information and documents and make reference them in the application form. (The checklist below is for your own use and is not part of the application documents).

| Information type   | Appropriate part of form (section / page)  | ✓ |
|--|--|---|
| <b>Application form (Scotland-application-1.docx)</b>  |  |   |
| <p>All hazardous substances on site including:</p> <ul style="list-style-type: none"> <li>• ethanol with alcohol contents stated as ABV</li> <li>• heating oil, LNG (liquified natural gas), CNG (compressed natural gas)</li> <li>• methane from bio-digesters, anaerobic digestion etc. and their CLP Classification</li> </ul> <p>Depending on alcohol strength, this is likely to include spirit in washbacks, stills, receiving vessels, disgorging and filling areas, maturation warehouses, casks / barrels and tanker loading and off-loading areas.</p> | <p>Table A (total quantities);</p> <p>Table B;</p> <p>Table C(i) (stored in fixed vessels);</p> <p>Table C(ii) (stored in casks/ barrels/moveable containers);</p> <p>Table D (in process vessels/used in a process);</p> <p>Section 5(d).</p> |   |
| <p>If you are using testing information to certify that P5c substances (e.g. wash) are not combustible, please reference this.</p>   | Reference in Section 5(h).   |   |
| <p>Quantities (expressed in tonnes)</p> <p>Example: Average strength of 63% which gives a specific gravity of 0.902 at 20°C. The maximum capacity is for 8,396,877 loa - this is equal to 13,328,376 bulk litres of aqueous ethanol solution that weighs 12,022 tonnes.</p> <p>8,396,877 divided by 0.63 = 13,328,376.<br/>13,328,376 x 0.902 divided by 1,000 = 12,022 tonnes.</p>  | <p>Table A</p> <p>Table D</p>  |   |

|   |   |  |
|---|---|--|
| Volume of vessels that contain hazardous substance (expressed in cubic metres) including those indoors and outside including tanks, vessels, vats<br><br><b>Note a unique reference should be given to each vessel which relates to the substance location plan</b> | Fixed vessels, for storage purposes – Table C(i);       |  |
| Tuns, casks, bottles  | Moveable containers, for storage purposes – Table C(ii) |  |

| Information type   | Appropriate part of form (section / page)   | ✓ |
|--|---|---|
| Numbers and locations of moveable containers, IBCs, casks  | Numbers – Table C(ii) column headed 'Max capacity of individual containers'; Locations – substance location plan, and Table C(ii) column headed 'Storage area on site' – area reference or description from substance location plan |   |
| Location of bunding, including length, width and bund wall height for secondary and tertiary containment           | Details in section 5(f) and location marked in location plan  |   |
| Type of stills – batch still (swan neck, pot still, vacuum pot still) or continuous still (coffey, column, patent) | Table D, column headed 'Major items of plant'   |   |
| Maximum boil-up rate for continuous stills   | Table D, column headed 'Description of processes'   |   |
| Whether stills are directly fired (coal, gas etc.) or indirectly heated (steam etc.)                               | Section 5(c)  |   |

|  |  |  |
|--|--|--|
| Volume of still rooms  | Section 5(c)   |  |
| Floor area of maturation warehouses  | Section 5(c)   |  |
| Maturation warehouse (cells): location, fire rating and standard of fire walls (e.g. BS 476), particularly used in fire compartments. If possible, cell dimensions should be provided.   | Fire rating & standard in Section 5(f) and location(s) marked in location plan |  |
| <p>Site Map showing the Site Boundary (scale not less than 1 to 10,000) including:</p> <ul style="list-style-type: none"> <li>• Location of any residential property within the Site Boundary</li> <li>• Details of on-site buildings where members of the public are present (including Visitor Centres, Hospitality Suites, Overnight accommodation etc.)</li> <li>• the vicinity of the site including environmental receptors</li> </ul> | <p>Reference in Section 5(b)</p> <p><i>Submit with application</i></p>         |  |
| Substance Location Plan that shows the location of all of the hazardous substances (scale not less than 1 to 2,500)  | <p>Reference in Section 5(b)</p> <p><i>Submit with application</i></p>         |  |
| Description of environmental setting   | Reference in Section 5(e)  |  |
| Drainage plans   | Reference in Section 5(b)  |  |
| CDOIF Assessment summary if applicable   | Reference in Section 5(h)  |  |

## Application for Variation to a Condition of Consent - Regulation 7

This type of application is to remove or to modify a condition (usually about 'where' and 'how stored or used'). The application form, "Application to modify consent conditions (variation) " is available on the HSE website. Click on the following link to access the form: [HSE: Land use planning - Application forms for hazardous substances consent - online wizard](#). The application form copied below is followed by a checklist for use by the applicant to ensure all contents of the form and associated supporting documents are reviewed for completeness before submission.

### Application to the relevant planning authority

The Planning (Hazardous Substances) (Scotland) Act 1997 - Section 11

The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 (Regulation 7)

Application for modification or removal of a condition(s) attached to an existing hazardous substances consent

[application for Hazardous Substances Consent without a condition(s) subject to which a previous consent was granted]

1

Applicant

Address

Post code

Telephone number

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|  |
|  |

Agent acting on behalf of the applicant

Address

Post code

Telephone number

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Correspondence (including any Notice) **to be sent to the agent** instead of the applicant? **Yes or No?**

|  |
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**2**

Address or other location details of application site

Post code

OS grid ref

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### 3 Substances covered by the application

[consented substance(s) for which a Variation in condition(s) is being applied for]

- (a) In the Table below, list named substances falling within Part 2 of Schedule 1 to the Regulations first, then list any substances falling within the categories in Part 1 of that Schedule; finally list substances falling within the description in Part 3.
- (b) Substances falling within Parts 1 or 3 of Schedule 1 to the Regulations may be listed under the relevant category or description or named specifically. Where a substance falls within Part 1 and 2 list under Part 2 only; where a substance falls within more than one category in Part 1 list under the category which has the lowest controlled quantity. Where a substance falling within Part 1 or 2 also falls within Part 3 list under the Part which has the lowest controlled quantity. The "controlled quantity" means the quantity specified for that substance in column 2 of Parts 1, 2 or 3 of Schedule 1 to the Regulations.

| <i>Name or relevant category or description of substance</i> | <i>Part number in Schedule 1 to the Regulations, and entry number if Part 2, category if Part 1, identity if Part 3</i> | <i>Maximum quantity proposed to be present (in tonnes)</i> |
|--|---|--|
|  |   |  |

### 4 Application for modification or removal of a condition(s) attached to a previous consent

- (a) Describe any condition previously attached to the relevant consent which it is proposed should no longer be attached to the consent, or which should only be attached in a modified form. In the latter case, indicate the proposed modification–

| <i>No.</i> | <i>Condition previously attached</i> | <i>Action (modification or removal)</i> | <i>If modification, details of proposed modification</i> |
|------------|--------------------------------------|---|--|
|            |                                      |   |  |

- (b) Give the reasons why the condition(s) referred to in (a) should not be attached, or should only be attached in a modified form–

| <i>No.</i> | <i>Reason</i> |
|------------|---------------|
|            |               |

- (c) Describe any relevant changes in circumstances since the date of the relevant consent–  
(Will print as blank space if no entry provided)

## 5 Additional Information

Give any additional information which you consider to be relevant to the determination of this application–

(Will print as blank space if no entry provided)

**Attach** in relation to any relevant consent, **a copy of the consent.**

**Attach a change of location plan** if the application relates to a condition restricting the location of a hazardous substance.

A **“change of location plan”** is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500 which identifies the location of the hazardous substance at the date of the application, and the proposed location requiring the application.

I/We hereby apply for hazardous substances consent in accordance with this application

Signed .....

on behalf of .....  
(insert name of person in control of the land if different to applicant)

Date .....

To be accompanied by the certificate completed in accordance with regulation 5(2) of the Regulations (notice to owner by applicant), and the fee payable under regulation 55 of the Regulations.



## Variation to a Condition of Consent Checklist

Application to remove or to modify a condition (usually about 'where' and 'how stored or used'). With your **covering letter** include the following information and documents and make reference them in the application form. (The checklist below is for your own use and is not part of the application documents).

| Information type   | Appropriate part of form (section / page)                | ✓ |
|--|--|---|
| Application form (scotland-Variation.docx)   |  |   |
| Substance(s) subject to the condition  | Table in Section 3                                       |   |
| Maximum quantity of the substance to be present on site  | Table in Section 3                                       |   |
| The condition previously imposed on the relevant consent   | Table in Section 4(a)                                    |   |
| Whether the condition is to be removed or modified   | Table in Section 4(a), middle column                     |   |
| If to be modified, the proposed modified condition (information under 'General Application' above illustrates what information we require on storage and/or usage if that is what the proposed condition is about) | Table in Section 4(a)                                    |   |
| Reasons why the condition should be removed or modified  | Table in Section 4(b)                                    |   |
| If the condition is relevant to restricting the location of a substance: <b>change of location plan</b> showing current location and proposed location   | Reference in Section 5<br><i>Submit with application</i> |   |
| Attach a copy of the current consent   | Reference in Section 5<br><i>Submit with application</i> |   |

## Application for Continuation of Consent - Regulation 8

The application form for Continuation of consent, "Application form (scotland-Continuation.docx)" is available at the following website link: [HSE: Land use planning - Application forms for hazardous substances consent - online wizard](#). The application form, copied below, is followed by a checklist for use by the Applicant to ensure all contents of the form and associated supporting documents are reviewed for completeness before submission.

Application to the relevant planning authority

Form 2

The Planning (Hazardous Substances) (Scotland) Act 1997 - Section 15

The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 (Regulation 8)

Anticipated change in control of part of the land: application for Continuation of a Hazardous Substances Consent

*Note: more than one application for Continuation will be required if an existing consent entitlement is to be divided between parts of land. If one part is to continue with the whole of the consent entitlement then only one application is required.*

1

Applicant

Address

Post code

Telephone number

Agent acting on behalf of the applicant

|                  |  |
|------------------|--|
| Address          |  |
|                  |  |
|                  |  |
|                  |  |
| Post code        |  |
| Telephone number |  |

Correspondence (including any Notice) to be sent to the agent instead of the applicant? Yes or No?

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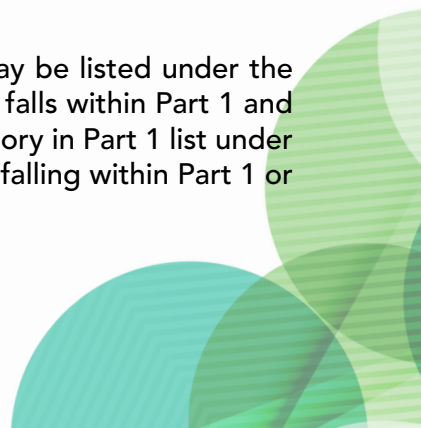
**2**

|   |  |
|---|--|
| Address or other location details of application site |  |
|   |  |
|   |  |
|   |  |
| Post code   |  |
| OS grid ref   |  |

**3 Substances covered by the application**

*(the consented substances and maximum quantities, for which Continuation of consent is being applied for - more than one application for Continuation will be required if an existing consent entitlement is to be divided between parts of land)*

- (a) In the Table below, list named substances falling within Part 2 of Schedule 1 to the Regulations first, then list any substances falling within the categories in Part 1 of that Schedule; finally list substances falling within the description in Part 3.
- (b) Substances falling within Parts 1 or 3 of Schedule 1 to the Regulations may be listed under the relevant category or description or named specifically. Where a substance falls within Part 1 and 2 list under Part 2 only; where a substance falls within more than one category in Part 1 list under the category which has the lowest controlled quantity. Where a substance falling within Part 1 or 2 also falls within Part 3 list under the Part which has the lowest controlled



quantity. The “controlled quantity” means the quantity specified for that substance in column 2 of Parts 1, 2 or 3 of Schedule 1 to the Regulations.

| Name or relevant category or description of substance | Part number in Schedule 1 to the Regulations, and entry number if Part 2, category if Part 1, identity if Part 3 | Maximum quantity proposed to be present (in tonnes) |
|---|--|---|
|   |  |   |

#### 4

- (a) **Attach** in relation to the relevant consent, a **copy of the consent**.
- (b) **Describe the use of each area of the site** identified in your **attached** change of control plan—**“change of control plan”** is a plan of the land to which the consent relates, drawn to a scale of not less than 1:2,500, which identifies each area of the land which is to be under separate control after the proposed change in the person in control.

*Include in the description or in the plan, an explanation of where the substances will be present.*

*If the location of the substances and/or details of the vessels/containers will be different from the existing consent then also complete an application for a ‘Variation’ (application for consent without a condition attached to a previous consent).*

(Will print as blank space if no entry provided)

- (c) Describe any relevant changes in circumstances since the relevant consent was granted—

(Will print as blank space if no entry provided)

- (d) State the date on which the change in the person in control of part of the land is to take place, where known—

(Will print as blank space if no entry provided)

## 5 Additional Information

Give any additional information which you consider to be relevant to the determination of this application–

(Will print as blank space if no entry provided)

I/We hereby apply for Continuation of hazardous substances consent in accordance with this application

Signed .....

on behalf of .....  
(insert applicant's name if signed by agent)

Date .....

To be accompanied by the certificate completed in accordance with regulation 5(2) of the Regulations (notice to owner by applicant), and the fee payable under regulation 55 of the Regulations.



## Continuation of Consent Checklist

Application to be submitted before land changes control. More than one application for Continuation will be required if an existing entitlement is to be divided between parts of land. If one part of the land is to continue with the whole of the consent entitlement, then only one application for Continuation is required.

With your **covering letter** include the following information and documents and make reference them in the application form. (The checklist below is for your own use and is not part of the application documents).

| Information type  | Appropriate part of form (section / page)  | ✓ |
|---|--|---|
| <p><b>Change control plan that addresses how the control of the land changes and the parties involved.</b></p> <p>This should include details of who currently controls the land and the land they control, and in addition, who will control which parts of the land and the location of the two or more parts of the land. This should also include who the land is to be leased to when the party leasing will have control of the land.</p> | <p>Reference in Section 4(b).</p> <p><i>Submit with application</i></p>              |   |
| <p><b>Application form</b> (Scotland-Continuation.docx)</p>   |  |   |
| <p>The hazardous substances and the maximum total quantities.</p>   | <p>Table in Section 3</p>  |   |
| <p>Date on which the change in the person in control of part of the land is to take place</p>   | <p>Section 4(d)</p>  |   |
| <p><b>Attach a copy of the current consent</b></p>  | <p>Reference in Section 4(a).</p> <p><i>Submit with application</i></p>              |   |
| <p>If the location of the substances and/or details of the vessels/containers will be different from the existing consent, then also submit an <b>application for a 'Variation'</b></p>   | <p><i>Submit Application for Variation with the Application for Continuation</i></p> |   |

## Application for Minor Change

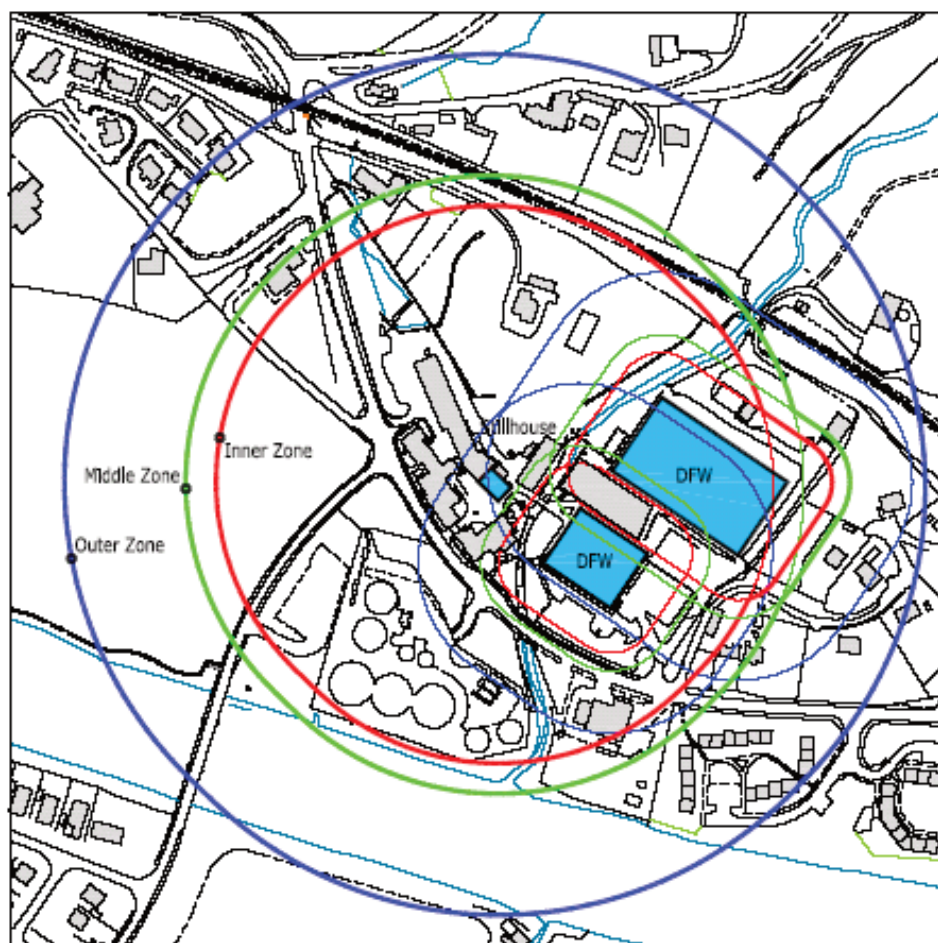
There is no form to support this type of application.

In your enquiry letter to the Planning Authority (copied to SEPA and the HSE) include:

- Details of the proposed minor change to the quantity or type of hazardous substances;
- Details of how the hazardous substances will be kept and used after the change (details as for a General Application - see above);
- Information on the site inventory of hazardous substances, in order to demonstrate that the minor change will not result in a lower-tier COMAH establishment becoming an upper-tier COMAH establishment, or vice versa.
- Confirmation of no change to:
  - Description of environmental setting
  - Drainage plan
  - CDOIF Assessment summary etc.

## Consultation Distance – Three Zone Map

HSE assessment of the hazardous substances consent applications results in the establishment of a consultation distance (CD) and respective consultation zones around the site. The three zones are described as the Inner, Middle and Outer Zones. The zones are based on hazard and risk modelling undertaken by HSE. The map reflects the location, quantities and concentrations of hazardous substance(s) stored. The following is a fictitious example of what an HSE Consultation Zone map for a Whisky Distillery could look like.



In the fictitious site shown in the diagram above, the key features for the hazardous substances consent calculation would be, the stillhouse and the two maturation warehouses. It should be noted that different processes are present, involving spirit in differing states and strengths. The zone calculations from a stillhouse typically result in large zones than that of a warehouse. The overall map is created from an amalgamation of the zones calculated for vessels and process equipment. The finer lines on the sketch highlight the individual equipment zones, the bold lines highlight the composite zone map. In this instance, the warehouse zones only impact the overall inner and middle zone map. As a result, it can be seen that each site consultation distance will have a unique set of consultation zones based on the nature, storage, location and strength of spirit (ie lower strength spirit may be classified as flammable, whereas higher strength may be highly flammable). Any changes to these parameters within a site may affect the consultation distance, even if the overall quantities of the hazardous substances present do not vary.



The Planning Authority uses the consultation zone map, and HSE's Planning Advice Web App, to determine HSE's advice to the Local Authority on applications for proposed developments within the consultation zones. Proposed developments are classified into one of four 'sensitivity levels'. Further information and guidance may be found in the [HSE's land use planning methodology](#).

## Glossary

CDOIF: Chemical Downstream Oil Industries Forum; is a collaborative, venture formed to agree strategic areas for joint industry / trade union / regulator action aimed at delivering health, safety and environmental improvements with cross-sector benefits. The forum developed a [guideline on environmental risk tolerability for COMAH establishments](#).

CONSULTATION ZONE (CZ): the consultation zones are normally determined by a detailed assessment of the risks, and/or hazards; of the installation, or pipeline. This takes into account the following factors: the quantity of hazardous substances for which the site has hazardous substances consent, together with details of the storage and/or processing; the derived hazard ranges and consequences of the major accidents identified..

HAZARDOUS SUBSTANCE AUTHORITY (HSA) : the authority which has the responsibility for deciding whether the risk of storing hazardous substances is tolerable for the community.

HAZARDOUS SUBSTANCE CONSENT (HSC): obtained from the HSA and required if you want to store, or process, hazardous substances at or above the thresholds defined by the Regulation.

HEALTH & SAFETY EXECUTIVE (HSE): Great Britain's national regulator for workplace health and safety, and statutory consultee for HSC. Dedicated to protecting people and places, and helping everyone lead safer and healthier lives

PLANNING AUTHORITY (PA) : The hazardous substances authority will usually be the local planning authority. The local council should therefore be the first point of contact to check who the hazardous substances authority is. The hazardous substances authority for an area determines hazardous substances consent applications, and enforces the controls. . The PA is most often the local council, but can be other bodies such as a National Park Authority, or an Urban Development Corporation.

Scottish Environment Protection Agency (SEPA): are Scotland's principal environmental regulator, protecting and improving Scotland's environment

STATUTORY CONSULTEES : organisations and bodies, defined by statute, who must be consulted by the Planning Authority on relevant planning applications (e.g. HSE, SEPA).

## References

1. The Planning (Hazardous Substances) (Scotland) Act 1997  
<http://www.legislation.gov.uk/ukpga/1997/10/contents>
2. The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015  
<http://www.legislation.gov.uk/ssi/2015/181/contents/made>
3. The Town and Country Planning (Scotland) Act 1997  
<http://www.legislation.gov.uk/ukpga/1997/8/contents>
4. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013  
<http://www.legislation.gov.uk/ssi/2013/155/contents/made>
5. Seveso III Directive  
<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:197:0001:0037:EN:PDF>
6. Control of Major Accident Hazards Regulations 2015  
<http://www.legislation.gov.uk/uksi/2015/483/contents/made>
7. A guide to the Control of Major Accident Hazards Regulations (COMAH) 2015  
[A guide to the Control of Major Accident Hazards Regulations \(COMAH\) 2015 - L111 \(hse.gov.uk\)](#)
8. Item 13 in "Notes to Parts 1 and 2" of The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015, (see reference 1 in this list)
9. HSE'S Land Use Planning Methodology  
<http://www.hse.gov.uk/landuseplanning/methodology.pdf>
10. Scottish Government Planning Circular 3/2015: Planning controls for hazardous substances  
<https://www.gov.scot/publications/circular-3-2015-planning-controls-hazardous-substances/pages/6/>
11. HSE'S Land Use Planning Application Forms  
<http://www.hse.gov.uk/landuseplanning/application-forms-hazardous-consent.htm>
12. Classification, Labelling & Packaging Regulation  
<https://echa.europa.eu/regulations/clp/legislation>
13. Town & Country Planning (Miscellaneous Amendment) (Scotland) Regulations 2022/286 (Scottish SI) reg. 3(2)(a)  
<https://www.legislation.gov.uk/ssi/2022/286/contents/made>
14. Containment systems for the prevention of pollution (C736F)  
[Item Detail \(ciria.org\)](#)

## **APPENDIX 1 – Drawings required to support applications**

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These drawings are based on a fictitious site and indicate the level of detail required in the supporting drawings.

**The plan views illustrate the minimum requirement:** the footprint of vessels, plant equipment and whisky spirit tankers are shown with figure captions and labels within the drawings and are highlighted in yellow. Items under labels without highlight have not been mandated but are helpful in assisting the assessment process.

The elevations with dashed outlines in green are optional drawings which may be given in support of the application.

Warehouse drawings indicating of the location of walls with a fire resistance to a recognised standard should always be included as this will be requested at a later date if not included.

Figure 1 Site Location Plan Overview

Legend: — Site Legal boundary

This drawing is a representation of scale drawing and may itself not be to scale. Drawings in the application should be to scale.

|             |                            |
|-------------|----------------------------|
| Title       | Site Location Map          |
| Drawing No. | CEM5E-EG-WHISK-HSC-APP-001 |
| Rev & Date  | Rev 2, 11/03/2023          |
| Scale       | 1:10,000 @A3               |

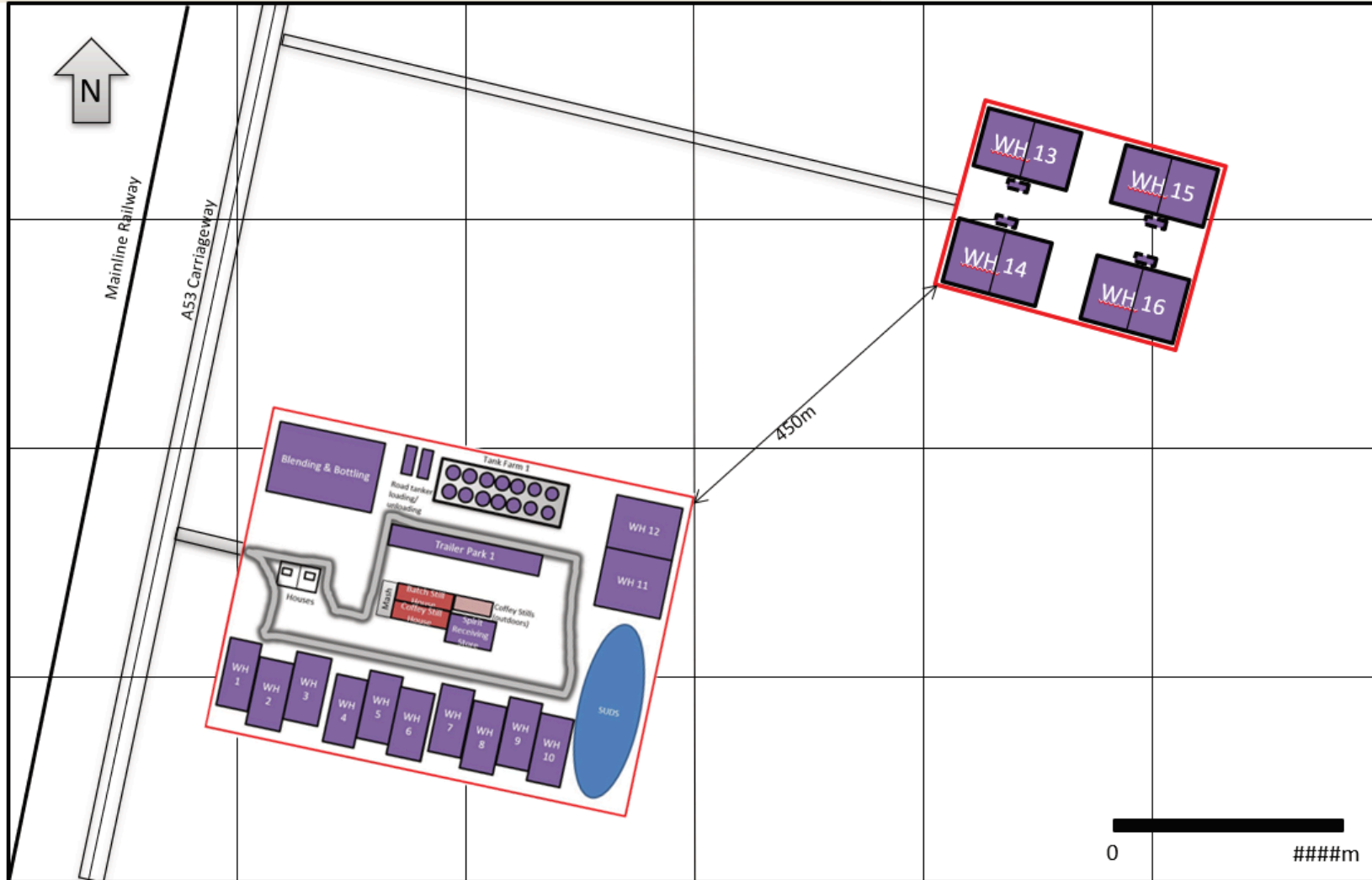


Figure 2 Substance Location Plan for Main Site

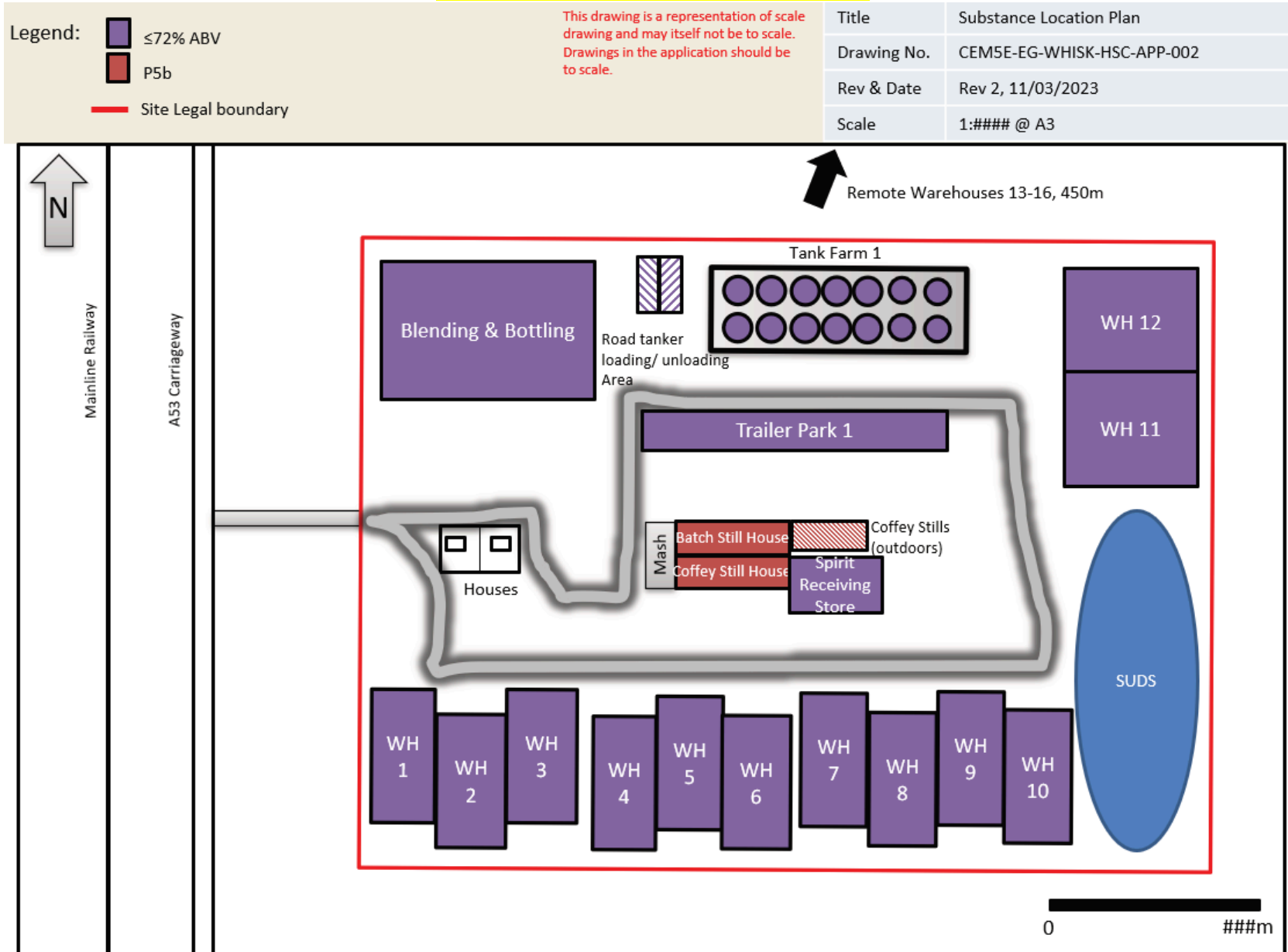


Figure 3 Substance Location Plan for Remote Warehouses

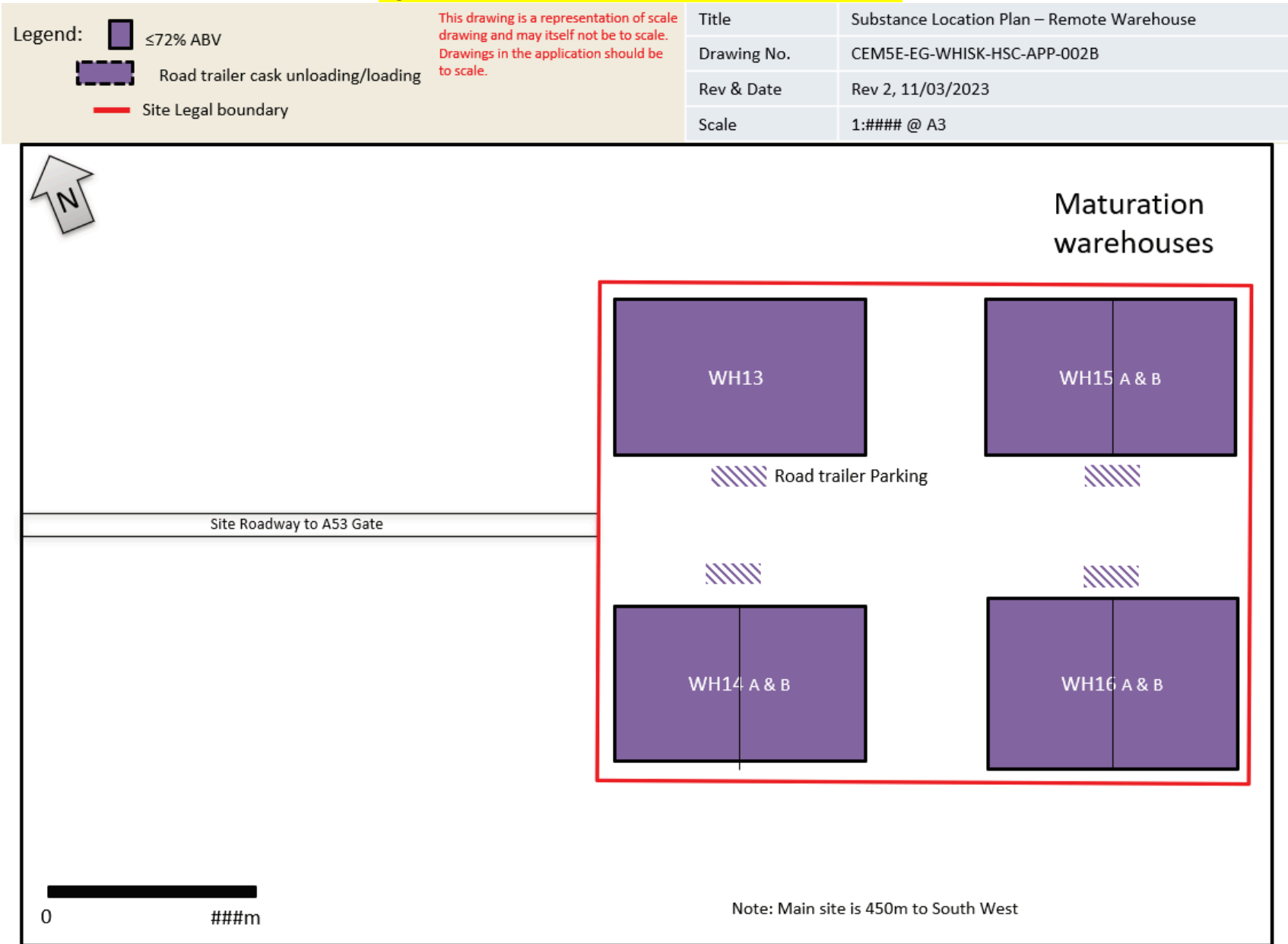


Figure 4 Substance Location Plan for Tank Farm





Figure 5 Substance Location Plan for Typical Warehouses

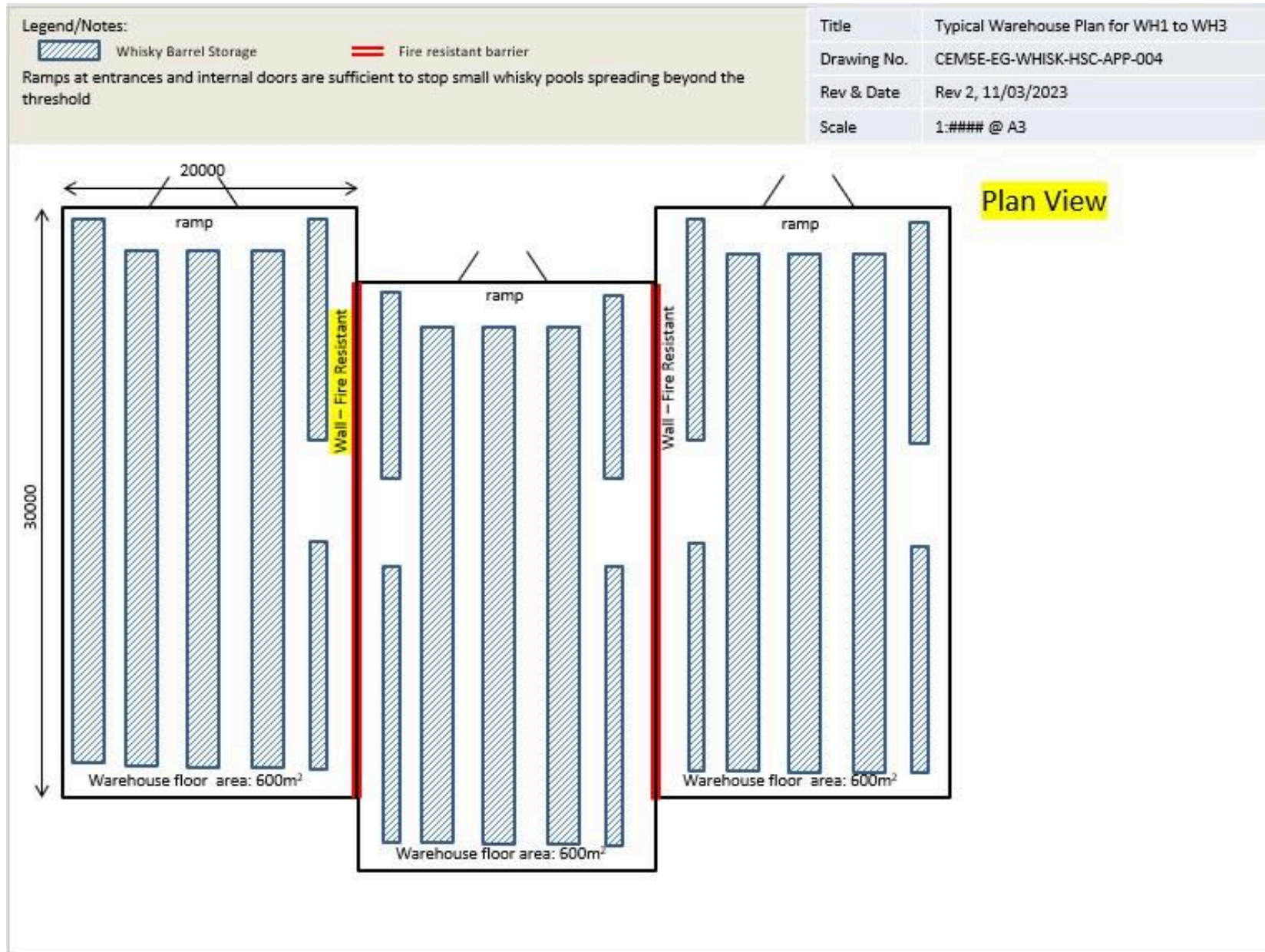


Figure 6 Substance Location Plan for Palletised Warehouse

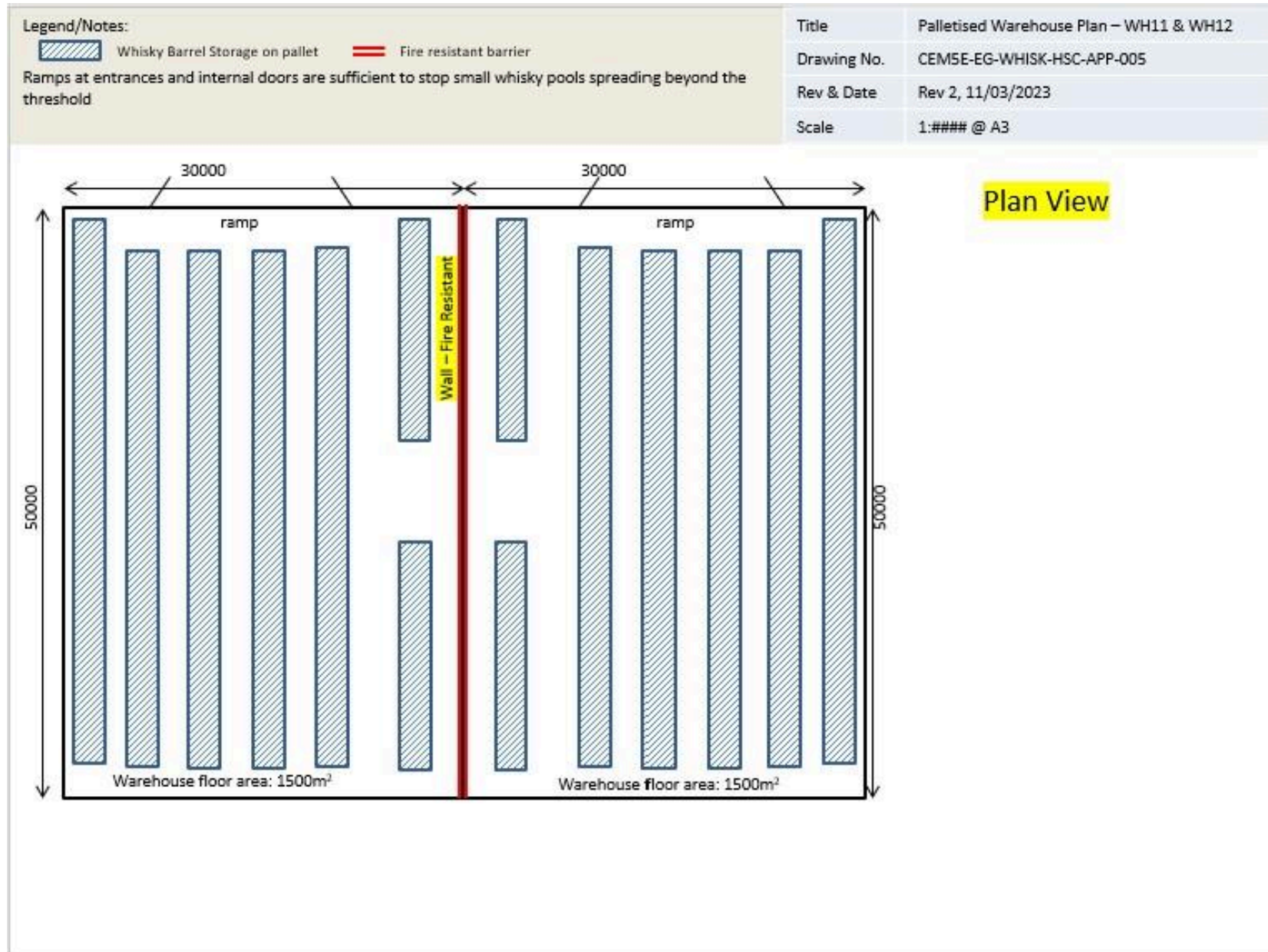
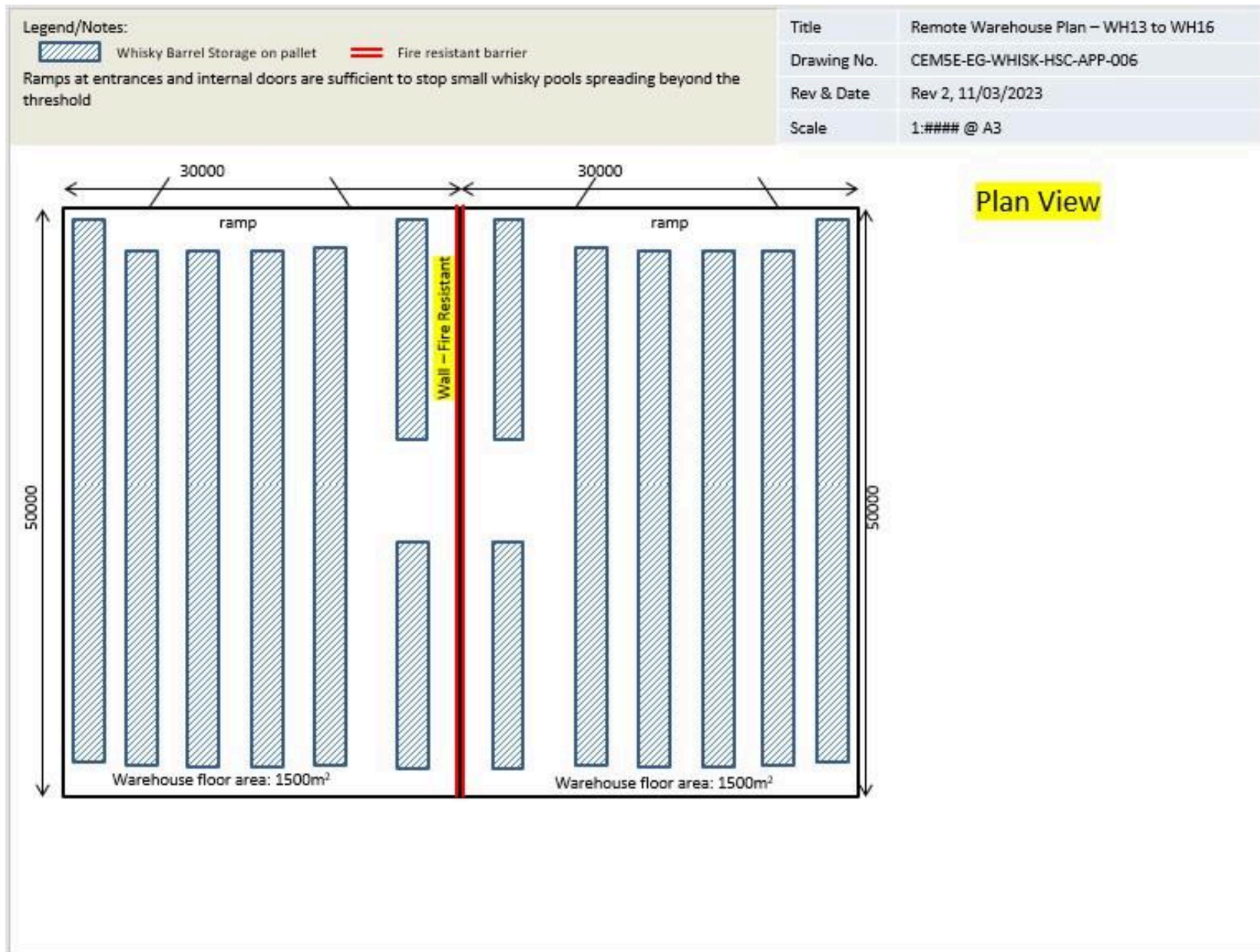




Figure 7 Substance Location Plan for Remote Warehouse



**Figure 8 Substance Location Plan for Batch Still Room**

|   |  |             |                            |
|---|--|-------------|----------------------------|
| <p>Legend/Notes:</p> <p> P5c (ethanol)</p> <p> P5b (ethanol at its boiling point)</p> | <p>This drawing is a representation of scale drawing and may itself not be to scale. Drawings in the application should be to scale.</p> | Title       | Batch Still Room           |
|   |  | Drawing No. | CEM5E-EG-WHISK-HSC-APP-007 |
|   |  | Rev & Date  | Rev 2, 11/03/2023          |
|   |  | Scale       | 1:#### @ A3                |

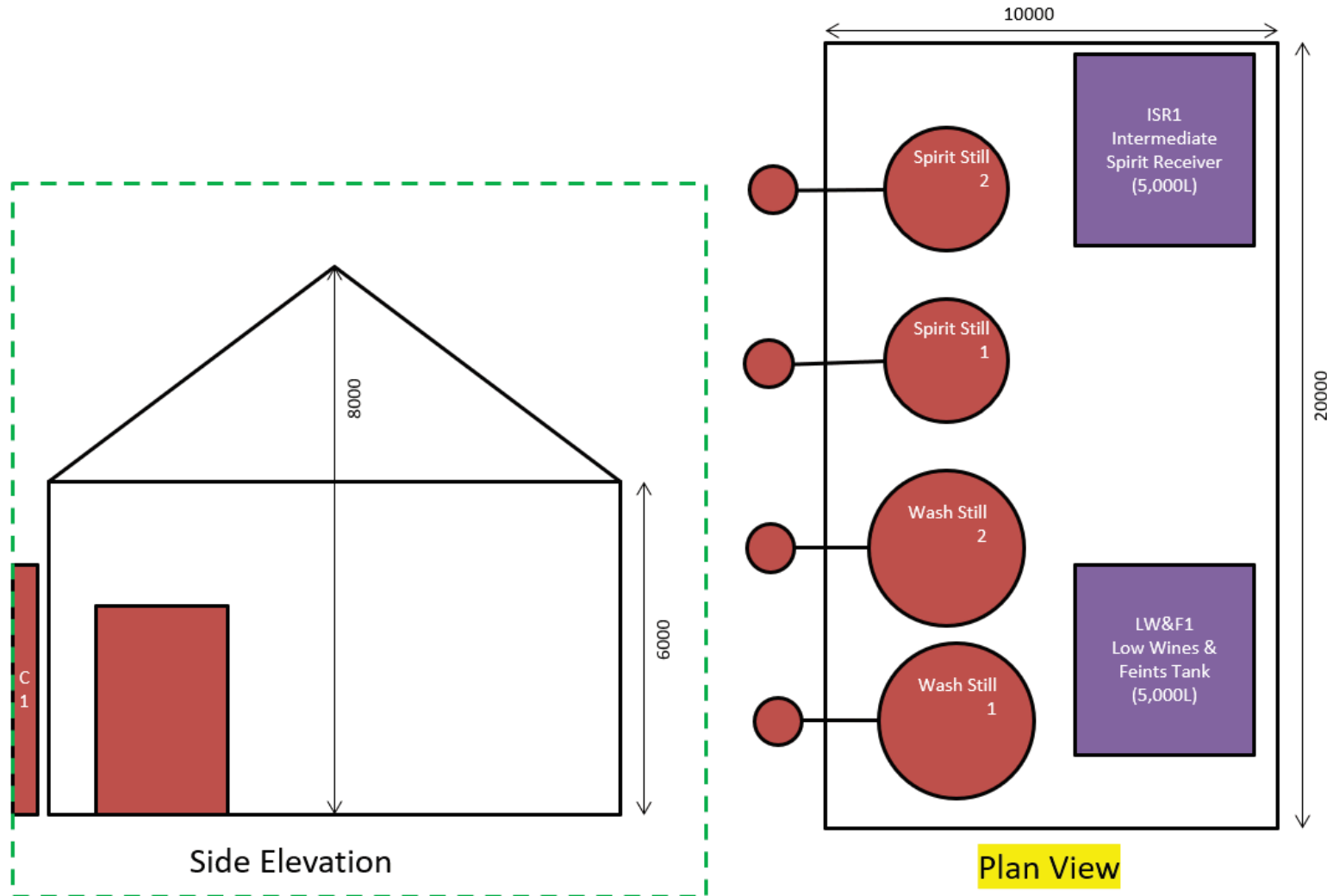


Figure 9 Substance Location Plan for Indoor Coffey Stills

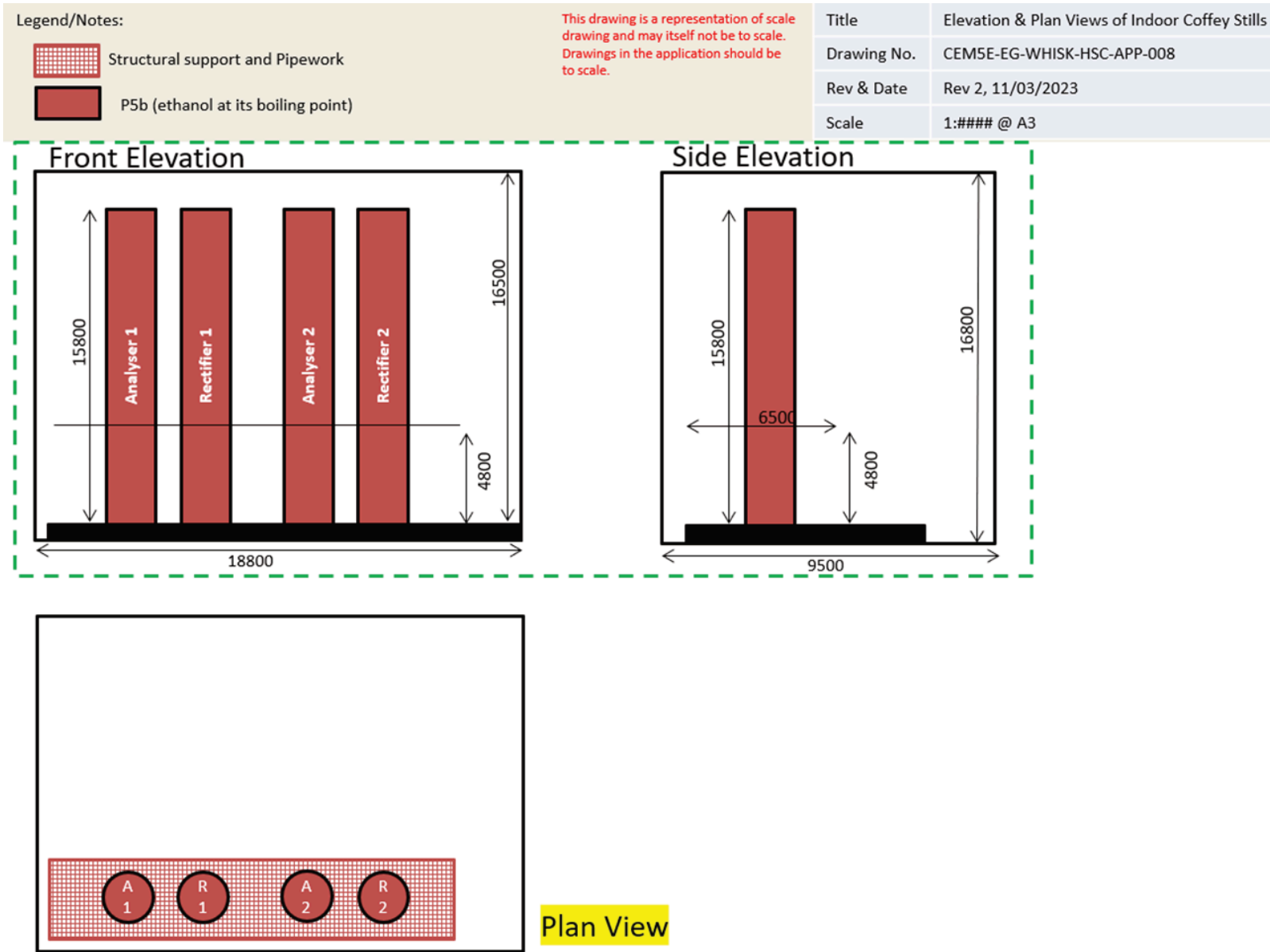


Figure 10 Substance Location Plan for Outdoor Coffey Stills

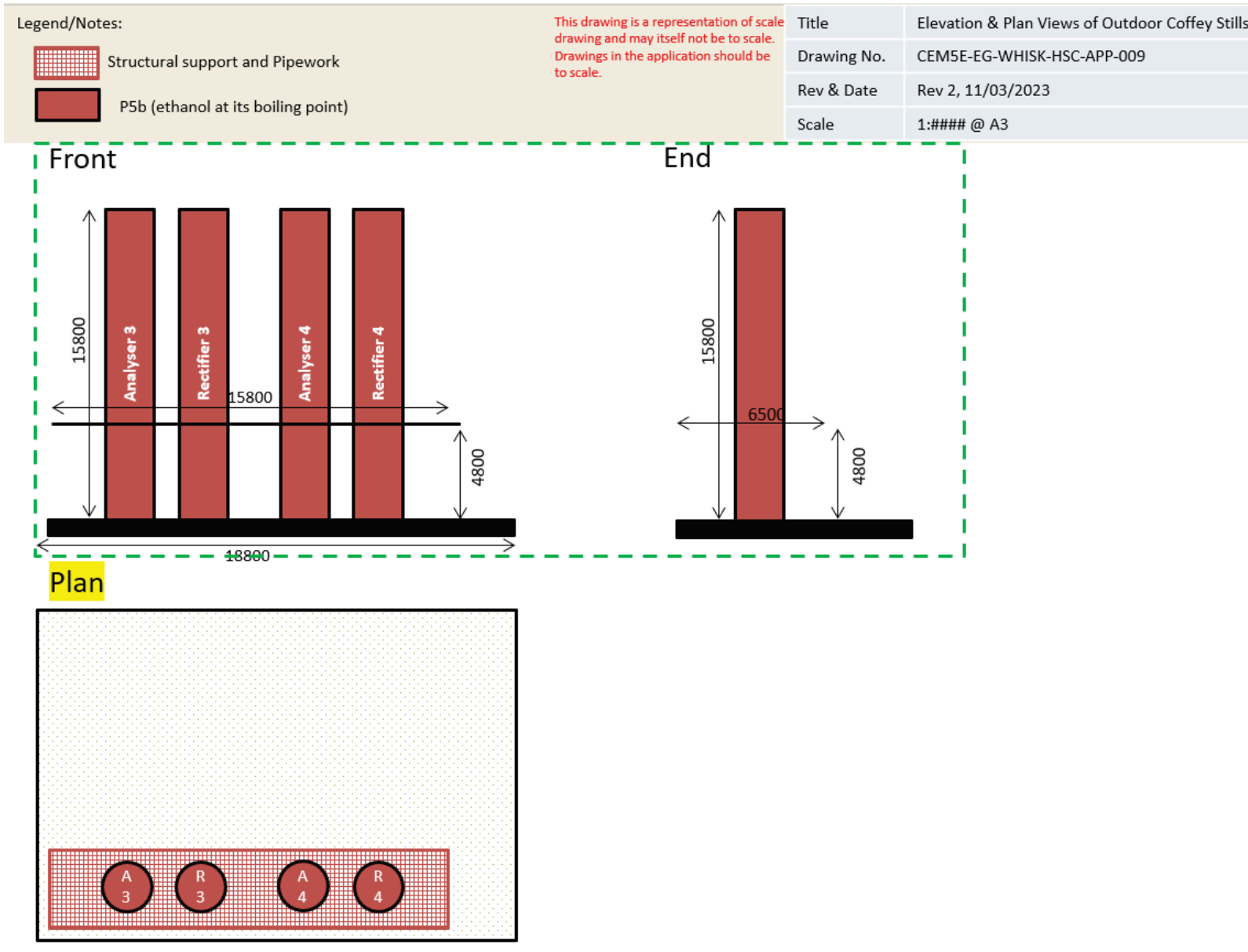


Figure 11 Substance Location Plan for Spirit Receiver Store & Cask Filling

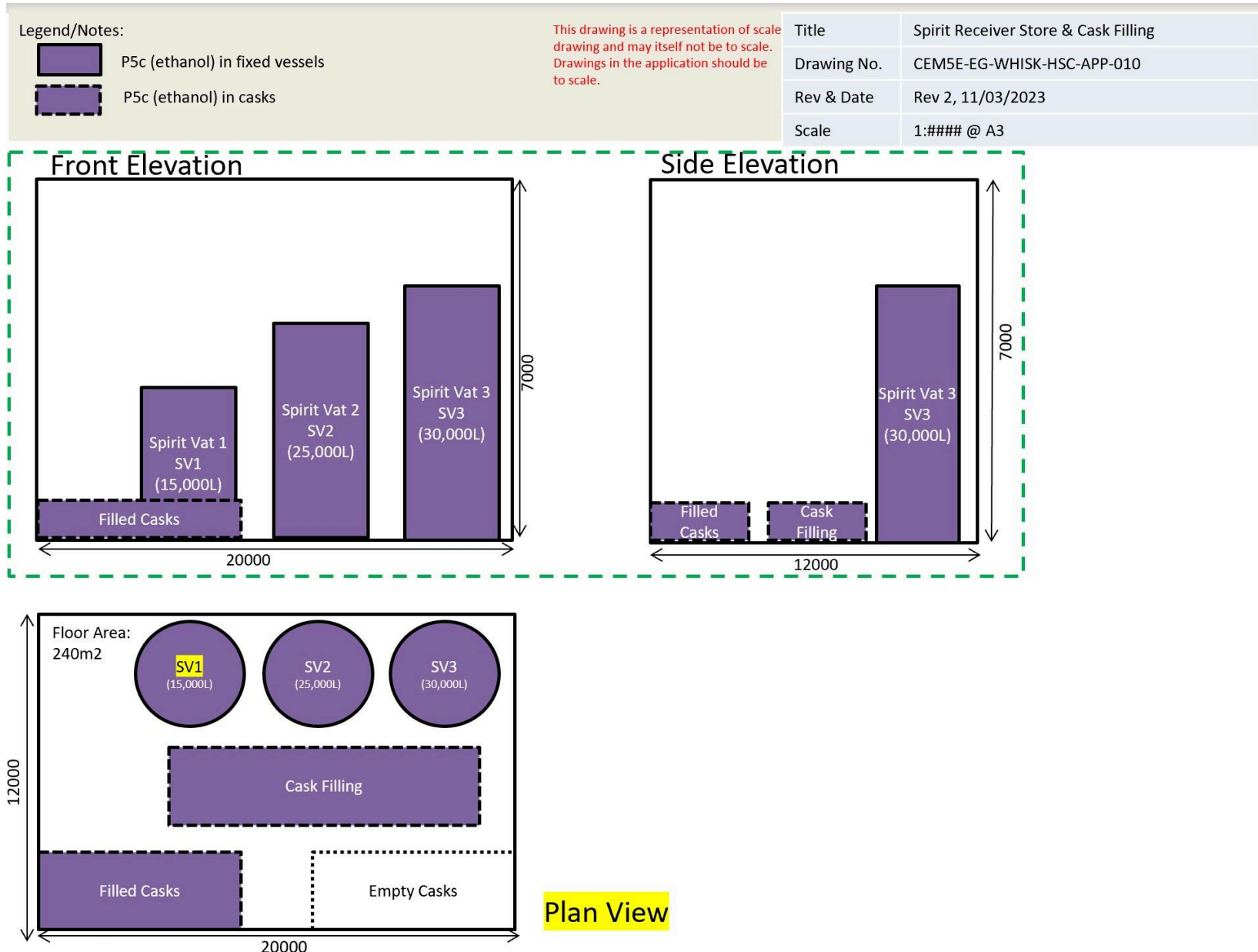
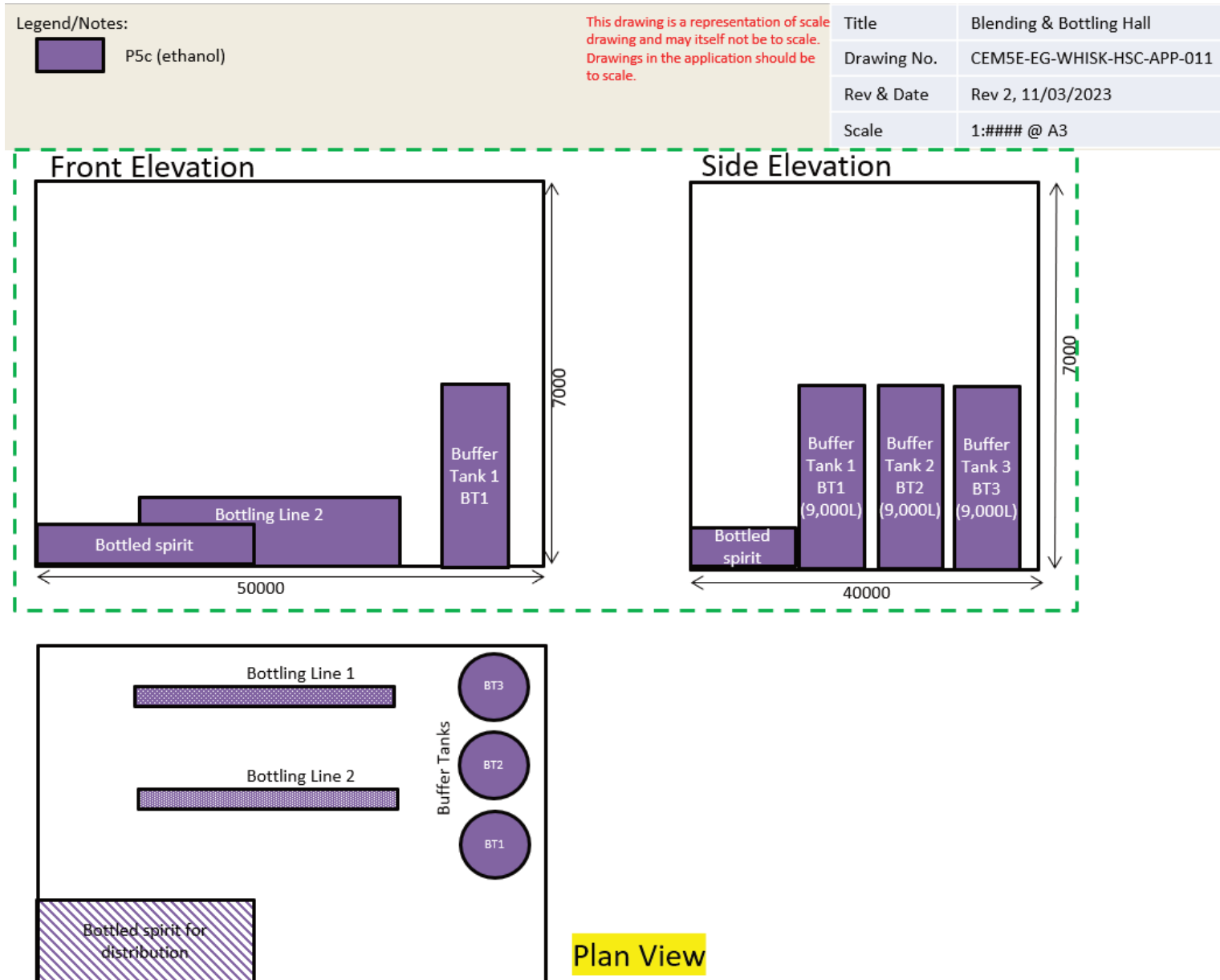


Figure 12 Substance Location Plan for Blending & Bottling Hall





## APPENDIX 2 - Notes on the Addition Rule in Hazardous Substance Consent

### Overview

The following section covers the addition rule that appears in the Planning (Hazardous Substances) (Scotland) Regulations 2015 as amended in 2022. There is a deadline of 30<sup>th</sup> November 2023 within which distillers should check whether a further application for consent is required to cover any sub-threshold substances brought into scope by this addition rule and to make an application for consent.

***Where previous, granted consent applications included all hazardous substances to be present on site, and consented quantities have not been increased, or their locations changed; then operators will not have to consider the addition rule further.***

### The Addition Rule

Consent may be required where there are two or more hazardous substances are on site even though individually the maximum amounts of those substances to be present fall below the usual controlled quantities.

When applying the addition rule, no account is to be taken of substances present within the establishment which exceed the controlled quantity and the rule must be applied, in turn, to each of three hazard groups categorised in Part 1 of schedule 1 that shows these as Health, Physical and Environmental hazards.

The lowest controlled quantity is to be used when a substance falls into more than one category of a hazard group.

The formula to be used for the rule is as follows for each hazard group individually:

$$(q1/CQ1) + (q2/CQ2) + (q3/CQ3) + (q4/CQ4) +$$

Where q1, q2... are the masses of individual substances that are below the Controlled Quantity CQ1, CQ2...

If the result of the formula gives a result equal or greater than one, then consent is required for each of the sub-threshold substances. The controlled quantity for these substances now becomes the value of q1, q2... and these should be the subject of an application for consent.

Actions to be considered by distillers:

- Identify any hazardous substances on site which are below the Controlled Quantity, and which do not currently have consent
- Do an addition rule calculation for these substances (one calculation for each hazard group present)
- Where any of the calculation have a result equal to above 1 apply for consent

Some examples of different fictitious distillery hazardous substance inventories are discussed below:

1.

0te P5a; 26te P5b; 5,001te P5c

This site requires consent for 5,001te of P5c as this substance is above the Controlled Quantity of 5,000te.

There is only one sub-threshold substance, so the addition rule is not required and consent is not required for P5b.

2.

6te P5a; 26te P5b; 5,001te P5c

This site requires consent for 5,001te of P5c as this substance is above the Controlled Quantity of 5,000te.

These substances all come under the Physical Group.

There are two sub-threshold substances here, so the addition rule is required for this hazard group.

The addition rule takes the form

$$6/10 + 26/50 = 1.12.$$

As this value is greater than 1 consent is also required for P5a and P5b.

The controlled quantity for P5a becomes 6te and for P5b becomes 26te in this case.

3.

2te P5a; 10te P5b; 1,000te P5c; 15te (18 - LPG); 10te (18 – Biogas); 52te (34 – Diesel Oil)

All of these substances are each below their Controlled Quantity

These substances all come under the Physical Group.

The addition rule for the Physical Group takes the form

$$2/10 + 10/50 + 1000/5000 + 15/50 + 10/50 + 52/2500 = 1.12$$

Note the addition rule uses 50te as the value of CQn here for named substance 18, see Note 5 under Schedule 1 in Notes to Parts 1 and 2 of the 2015 Regulations<sup>1</sup>.

As well as having a Physical classification Diesel oil also has an Environmental classification. In this example Diesel oil is the only substance with an Environmental classification so the addition calculation does not have to be done for environmental hazards.

The controlled quantity of: P5a becomes 2te; P5b 10te; P5c 1,000te, LPG 15te; Biogas 10te; Diesel Oil 52te.



4.

3te P5a; 26te P5b; 5,100te P5c; 4te (18 - LPG); 10te (18 – Biogas); 20te (34 – Diesel Oil)

The site required consent for 5,100te P5c as this substance is above the Controlled Quantity of 5,000te

These substances all come under the Physical Group.

There are five sub-threshold substances here, so the addition rule is required for this hazard group.

The addition rule takes the form

$$3/10 + 26/50 + 4/50 + 10/50 + 20/2,500 = 1.65$$

Note the addition rule uses 50te as the value of CQn here for named substance 18, see Note 5 in Schedule 1 of the 2015 Regulations<sup>1</sup> in the Notes to Parts 1 and 2.

The controlled quantity of: P5a becomes 3te; P5b 26te; LPG 4te; Biogas 10te; Diesel Oil 20te.

