

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017  
SCOTTISH GOVERNMENT CIRCULAR 1/2017**

**RESPONSE OF SOUTH AYRSHIRE COUNCIL TO A PLANNING APPLICATION (18/00022/APP) SUBMITTED WITHOUT AN EIA REPORT. THE PROPOSED DEVELOPMENT FALLS WITHIN THE SCOPE OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 AND MUST THEREFORE BE CONSIDERED IN TERMS OF THE NEED TO BE ACCOMPANIED BY AN EIA REPORT.**

**THE PROPOSED DEVELOPMENT SITE IS LOCATED AT THE KYLE CENTRE, 201 HIGH STREET, AYR, SOUTH AYRSHIRE**

The proposal is for alterations, extension and part change of use of shopping centre to form Class 3 food and drink and Class 11 multiplex cinema and gym at The Kyle Centre, 201 High Street, Ayr. The proposed development site extends to approximately 1.54 hectares inclusive of access. The proposal is Schedule 2 development under the terms of the above Regulations (qualifying under category 13 re: change/extension to category 10(b)) and must therefore be screened in order to determine whether the proposal constitutes 'EIA development'.

This determination is referred to as a '**screening opinion**'. In each case, the basic question to be asked is: 'would this particular development be likely to have significant effects on the environment?'

For many, perhaps most, types of development, its characteristics require consideration in combination with its proposed location in order to identify the potential for interactions between a development and its environment and therefore determine whether there are likely to be significant environmental effects. In determining whether a particular development is likely to have such effects, the Council has taken account of the selection criteria in Schedule 3 to the Regulations (reproduced at Annex A to Circular 1/2017). Three categories of criteria are listed:-

- Characteristics of the development
- Location of the development
- Characteristics of the potential impact

Consideration of the third of these categories is designed to help in determining whether any interactions between the first two categories (i.e. between a development and its environment) are likely to be significant.

The content of this checklist meets the requirements of the Town and Country Planning (Environment Impact Assessment) (Scotland) Regulations 2017 – Schedule 3 selection criteria for screening Schedule 2 development.

	Yes/No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
<b>1. Characteristics of development</b>			

	Yes/No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
<b>(a) Size and design of the development</b>			
Will the development be out of scale with the existing environment?	Yes	The works would be in-keeping with the scale of the existing building, while the cinema extension reflects the massing of the multi-storey car park to which it will be adjacent	No, the most significant works are located to the rear of the site and beyond the boundaries of Ayr Central Conservation Area
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	Yes	Whilst the extension site is brownfield, there will be additional provision of services to the site required anew / or to be reinstated, and means of access to be upgraded / made good	No, the size of the site and scale of proposed works are indicative of an unlikelihood of significant effects.
<b>(b) Cumulation with other existing/approved development</b>			
Are there potential cumulative impacts with other existing development or for proposed development in the planning system?	No	N/A	
Should the application for this development be regarded as an integral part of a more substantial project? If so, can related developments which are subject to separate applications proceed independently?	No	N/A	
<b>(c) Use of natural resources</b>			
Will construction or operation of the development use natural resources i.e. land (especially undeveloped or agricultural land)? <ul style="list-style-type: none"> <li>• water or fisheries?</li> <li>• minerals or aggregates?</li> <li>• agriculture, forests and timber?</li> <li>• energy including electricity and fuels?</li> <li>• any other resources?</li> </ul>	Yes	The proposed development will utilise energy, both in its construction and on an ongoing basis under its eventual occupation as a combination of commercial enterprises.	No.
<b>(d) Production of waste</b>			
Will the development produce wastes during construction or operation or decommissioning?	Yes	Wastes will be producing during construction and occupation / operation of the development site.	No, this should managed within the scope of any construction contract and in compliance with the Council's prevailing requirements for commercial waste
<b>(e) Pollution and nuisances</b>			

	Yes/No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
Will the development cause noise and vibration or release of leachates, light, heat energy or electromagnetic radiation during construction, operation or decommissioning?	Yes	There will be noise during the construction of the development; these works will be temporary. The proposed development intensifies the use of the land and encompasses a cinema. An increased level of noise and vibration is therefore likely.	No, although consultation with Environmental Health may be required as part of the planning application process.
<b>(f) Risk of major accidents and/or disasters relevant to project concerned (including climate change-caused)</b>			
Will there be a risk of accidents during construction or operation of the development which could have effects on people or the environment?	Yes	During construction there will be heavy machinery, transport and construction equipment/materials on site which all present danger and accident hazard	No, these risks will stand to be managed in accordance with industry standards and due protocol in safe working practice
<b>(g) Risks to human health</b>			
Will construction or operation of the development give rise to risks to human health, for example due to: <ul style="list-style-type: none"> <li>• water contamination?</li> <li>• Air pollution?</li> </ul>	Yes	During construction there will be air pollution arising from dust generation on site.	No, these risks will stand to be managed in accordance with industry standards and due protocol in safe working practice. Risks will be localised and temporary.
<b>2. Location of the Development</b>			
<b>(a) Existing and approved land use</b>			
Are there existing land uses on or around the location which could be affected by the development, e.g. undeveloped land, greenfield land, homes, other private property, industry, commerce, tourism and recreation, public open space, community facilities, agriculture, forestry, tourism, water catchments, functional floodplains, mining or quarrying?	Yes	There may be a limited impact upon nearby residential properties as a result of construction works and upon existing traders within the building and surrounding area.	No. The planning application process is the most suitable means of addressing these issues.
<b>(b) Relative abundance, quality and regenerative capacity of natural resources in the area / underground</b>			
Are there any areas on or around the location which contain important, high quality or scarce resources (including soil, land, water and biodiversity) which could be affected by the development?	No	N/A	
<b>(c) Absorption capacity of the natural environment</b>			
Are there any wetlands, riparian areas or river mouths which may be affected?	No	N/A	

	Yes/No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
Are there coastal zones / marine environment receptors which may be affected?	No	N/A	
Are there any nature reserves and parks which may be affected?	No	N/A	
Are there any European sites or other areas classified or protected under national legislation, which may be affected?	No	N/A	
Does the location include or affect areas in which there has already been a failure to meet relevant environmental quality standards (laid down in Union legislation and relevant to the project), or in which it is considered that there is such a failure?	No	N/A	
Is the development in a location where it is likely to be highly visible to many people?	Yes	The site is surrounded by residential, retail and other commercial uses and will be visible from such receptors; the High Street frontage represents an inherently busy thoroughfare.	No, given the existing urban concentration / density and town centre function of the locality with which the proposals are in-keeping
Are there landscapes and sites of historical, cultural or archaeological significance which may be affected?	Yes	The building is partly located within the Ayr Central Conservation Area and is within close proximity of a number of listed buildings. In terms of impacts upon the setting of these receptors, the most significant element of the proposals is the proposed alteration to the front of the building.	No. The impact upon the cultural significance of the area and its associated assets should be addressed through the planning application process.

### **Conclusions**

The checklist is a useful tool for the purposes of identifying the wide range of environmental receptors which could be affected by proposed development. No significant effects have been identified.

From the above assessment undertaken in accordance with the Regulations and Circular 1/2017, the Council concludes that the proposed development at The Kyle Centre, 201 High Street, Ayr, South Ayrshire, as shown on the map attached to this document, is unlikely to result in effects on the environment which are sufficiently significant to require the submission of an EIA Report.

