

**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 (17/01386/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 LAIGH KYLESTON FARM, DUNURE ROAD, AYR, SOUTH AYRSHIRE

The proposal is for the change of use of agricultural land to form Class 10 with the erection of a nursery school and ancillary development at Laigh Kyleston Farm, Dunure Road, Ayr. The proposed development site extends to approximately 1.04 hectares inclusive of access. The proposal is Schedule 2 development under the terms of the above Regulations (qualifying under 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).
1. Characteristics of 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).
(a) Size and design of the development			
Will the development be out of scale with the existing environment?	Yes	The proposal introduces urbanising built form within a visually sensitive area characterised by an open coastal landscape and frequent, unfettered views towards the sea and the Heads of Ayr	No, the effect will be substantially mitigated by the greater scale and clutter of the adjacent Farm Park development to which the proposal will take the form of a relatively modest extension, albeit encroaching further west
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	Yes	As a greenfield site, there will be consequent requirements for the provision of a comprehensive suite of utilities and services to the site and various means of access to be introduced to/from the site to the existing public road network	No, the size of the site and scale of proposed works are indicative of an unlikelihood of significant effects.
(b) Cumulation with other existing/approved development			
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	
(c) Use of natural resources			
Will construction or operation of the development use natural resources i.e. land (especially undeveloped or agricultural land)? <ul style="list-style-type: none"> • water or fisheries? • minerals or aggregates? • agriculture, forests and timber? • energy including electricity and fuels? • any other resources? 	Yes	The proposed development will utilise energy, both in its construction and on an ongoing basis under its eventual occupation and operation as a commercial children's nursery.	No.
(d) Production of waste			
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

	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).
(e) Pollution and nuisances			
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 further intensifies rural diversification at the locus, over and above the established Farm Park. 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.
(f) Risk of major accidents and/or disasters relevant to project concerned (including climate change-caused)			
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
(g) Risks to human health			
Will construction or operation of the development give rise to risks to human health, for example due to: <ul style="list-style-type: none"> • water contamination? • Air pollution? 	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.
2. Location of the Development			
(a) Existing and approved land use			
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 holiday caravans, as well as the proprietors and patrons of the Farm Park donor site, as a result of construction works. As a result of the operation of the development, traffic movements and noise are most likely to cumulate in conjunction with the existing neighbouring farm park use	No. The planning application process is the most suitable means of addressing these issues.
(b) Relative abundance, quality and regenerative capacity of natural resources in the area / underground			
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?	Yes	The entire application site is under coverage of prime quality agricultural land, classification 3.1	No. Prime agricultural land of this classification is a scarce resource both nationally and locally, however with development of this scale the potential loss is best assessed through the planning application process
(c) Absorption capacity of the natural environment			

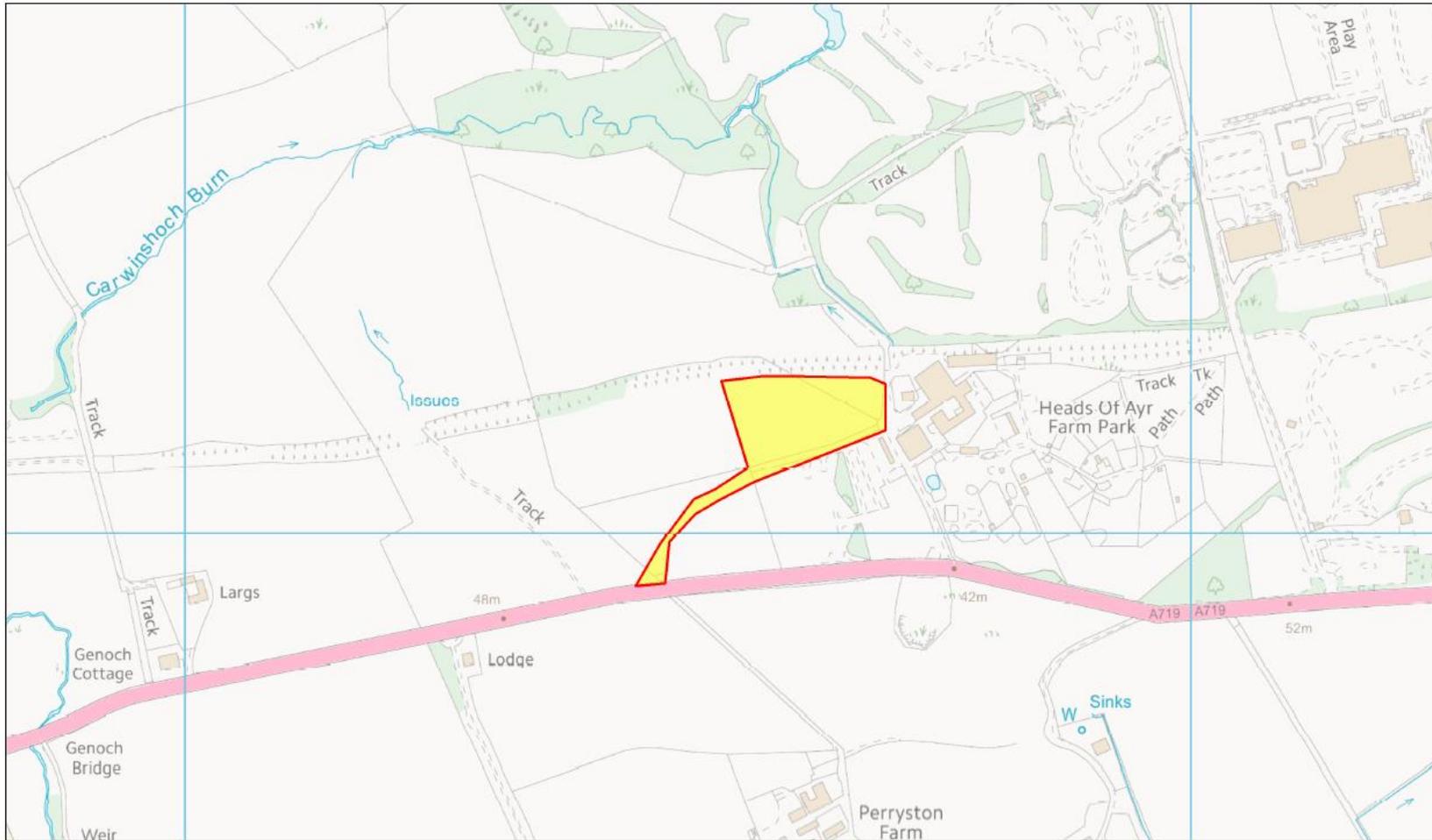
	Yes/No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
Are there any wetlands, riparian areas or river mouths which may be affected?	No	N/A	
Are there coastal zones / marine environment receptors which may be affected?	Yes	The coastline is approximately 470m due north from the application site at its nearest point	No, the intervening distance and the scale of development suggests connectivity is nil or minimal
Are there any nature reserves and parks which may be affected?	No	Provisional wildlife site # 68a/68b to the north – a local designation reflective of botanical and ornithological interests associated with the habitat diversity arising from the coast and shoreline	No, the intervening distance and the scale of development suggests connectivity to this receptor is nil or minimal
Are there any European sites or other areas classified or protected under national legislation, which may be affected?	Yes	SSSI code 1121 'Maidens to Doonfoot', is situated approximately 120m to the north of the application site and represents three discrete sections of coastline exhibiting both geological and biological interests – including a maritime cliff, rare shingle habitat and ash woodland.	No, the intervening distance and scale of development suggests connectivity to this receptor is nil or minimal
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	A719 Dunure coastal road is a popular recreational route for cyclists and motorists, and is a signposted scenic route. Marks a key southern entry point to Ayr from adjacent rural surrounds	No, given the application site's proximity to and dominance by the backdrop of the existing visual clutter and scale of development manifested by the Farm Park and its associated development / built forms. It is screened from the coastal side by the heavily vegetated embankments of the disused railway line.
Are there landscapes and sites of historical, cultural or archaeological significance which may be affected?	Yes	The prominence and cultural value of the locality is reflected in its coverage under the LDP's scenic area designation, and the Raised Coast landscape character will be sensitive to the visual intrusion of development	No. The impact upon the cultural significance of the area and its associated landscape 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. The main effects arising from the checklist are:

- Loss of grade 3.1 prime quality agricultural land which covers the entire application site, including the proposed routeing of the access
- Visual and landscape effects arising in the context of the site's raised coast landscape character, and its Scenic Area designation within the LDP
- Any potential for marginal connectivity to the designation interests represented by the SSSI and provisional wildlife site
- Potential cumulating of certain effects, particularly noise and traffic, arising from the development in combination with the existing Farm Park use

From the above assessment undertaken in accordance with the Regulations and Circular 1/2017, the Council concludes that the proposed development at Laigh Kyleston Farm, 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.



Laigh Kyleston Farm

Scale 1:5000



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