

**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 (18/00938/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 AUCHENAIRNEY FARM, KIRKMICHAEL, SOUTH AYRSHIRE**

The proposal is for the erection of an agricultural shed for dairy cattle to include provision of an underground slurry tank at Auchenairney Farm, Kirkmichael. The proposed development site extends to approximately 0.48 hectares. The proposal is Schedule 2 development under the terms of the above Regulations (qualifying under category 1(c)) 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>			
<b>(a) Size and design of the 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).
Will the development be out of scale with the existing environment?	Yes	The proposal comprises a steel-framed agricultural shed inclusive of integral underground silage tank; introducing a substantial built mass within a rural, agricultural setting.	No; whilst the shed is of considerable bulk and monotonous form it is a typical agricultural installation and its proposed situation integrates it tightly to the existing farm steading cluster, thus mitigating effects.
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	No	N/A	
<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 during construction in both the building processes and the energy and resources embodied within the building materials. The site will occupy and encroach upon presently undeveloped prime quality agricultural land. Lighting, agricultural machinery and vehicles will variously consume electricity and fuels in operations pertaining to the shed, and the production and storage of the silage.	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. In particular, cattle are a major source of emitting methane which acts as a much more potent	No, these matters will stand to be managed in accordance with prevailing agricultural best practice and it is noted that the slurry tank at underground level is an integral part of the shed design.

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		greenhouse gas than CO <sub>2</sub> . Furthermore, silage leachate from the anaerobic conditions of the clamp is a potential pollutant which must be controlled, as is slurry produced in the shed.	
<b>(e) Pollution and nuisances</b>			
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 temporary construction noise but moreover ongoing noise, heat, smell and gaseous emissions from the cattle occupying the agricultural shed. See (d) above re: leachates.	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 machinery, transport and construction equipment/materials on site which all present danger and accident hazard. Operation will present occupational hazard owing to the inherent size and strength of cattle.	No, these risks will stand to be managed in accordance with industry standards and due protocol in safe agricultural 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	Operation will present health hazard owing to the nature of handling and working with livestock, and ensuring their proper care including management and treatment re: risk of bovine diseases etc. Methane emissions exacerbate GHG effect. Groundwater contamination is a risk in the event of spillages / leaks when handling and disposing of slurry and silage leachate.	No, these risks will stand to be managed in accordance with industry standards and due protocol in safe agricultural working practice. Risks will be localised and small in scale.
<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	Yes	There will be irreversible impact upon the donor agricultural field, yet the proposal use fundamentally complements the existing host agricultural concern. Of amenity impact concern is that a residential property sits directly opposite the	No. The planning application process is the most suitable means of addressing these issues.

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floodplains, mining or quarrying?		site, to the south side of the road. Next nearest residential property as the crow flies is situated 1/3 <sup>rd</sup> km SE (Hillhead Cottage). In terms of prevailing wind these are upwind of the proposals.	
<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?	Yes	The entire application site is under coverage of agricultural land classification 3.1, therefore considered 'prime quality'.	No; whilst any loss of PQAL is regrettable the intended use is an inherent agricultural expedient in the dairy production at the locus and its tight integration to the existing built cluster saves any fragmentation of PQAL
<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	
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?	Yes	No nature reserves or parks per sé, however a provisional wildlife site no. 56 covers Kirkmichael House 250m south of the proposal. The provisional designation interest pertains to the mixed woodland and the richness of the aquatic life supported by the pond therein.	No, given the small spatial scale and concentration of the proposal, and its intrinsic interconnection to the existing agricultural function of the site – and the provisional status of the designation interest – it is considered the wildlife value will not be significantly compromised.
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 proposal is situated immediately off the B7045 / National Byway to its northern boundary, occupying land rising both to the north and west. The donor field rises characteristically towards its NW boundary line which serves as a ridgeline,	No - despite its high visual prominence within its immediate setting, that prominence is nevertheless localised and fleeting – and furthermore contextualised by its situation along the B7045 which is not a major thoroughfare, albeit one should note it does form part

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		itself further accentuated and defined by the wraparound curve in the road. By the same token, that rise away from the NW boundary provides a crest to the horizon beyond which the application site cannot be seen. It is noted that a single-storey residential property sits directly opposite the application site, and stands to bear a significant visual amenity impact.	of the National Byway which will attract cyclists. Nevertheless, the fact that the topography of the site entails in the proposal a prominent land cut / site levelling serves to further exacerbate the intrusiveness of the building at the site, and makes its siting upon the field more incongruous against the remaining incline and curvature of the road from which it will be seen. This should be addressed in DM assessment process.
Are there landscapes and sites of historical, cultural or archaeological significance which may be affected?	No	N/A, site is outwith LDP-designated scenic area (albeit within close proximity to boundary of same)	N/A

### 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:

- The greenhouse gas effect of cattle-borne methane emissions
- The risk of groundwater contamination and pollution of land associated with potential spillages and leakages of slurry and silage leachate
- The relatively substantial expansion of the existing farm cluster envelope such as to intrude upon a discrete and previously undeveloped agricultural field parcel, most especially in the context of its qualification as prime-quality agricultural land
- The immediacy of the proposal's siting relative to the B7045 and the visual impact this will entail upon users of this route, particularly with regard to: its National Byway status and its importance as the primary Ayr/A77-origin approach to Kirkmichael, the amenity impact upon the residential property Auchenaire which sits directly opposite, and the visual incongruity resulting from the land cut and site levelling proposed to reconcile a 'fit' between the topography of the donor field and the scale of the proposal's footprint

From the above assessment undertaken in accordance with the Regulations and Circular 1/2017, the Council concludes that the proposed development at Auchenaire Farm, Kirkmichael, South Ayrshire, as shown on the map overleaf, is unlikely to result in effects on the environment which are sufficiently significant to require the submission of an EIA Report.

