

**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 (18/01102/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 ENTERKINE FARM, NORTH OF ANNBANK, SOUTH AYRSHIRE

The proposal is for change of use, alterations and extension to farmstead and associated outbuildings to form residential development at Enterkine Farm, North of Annbank, South Ayrshire, KA6 5AL. The proposed development site extends to some 1.05 hectares inclusive of extensive access from the public road. 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?	No	The proposed development converts a former farmstead and associated outbuildings. The return to (intensified) residential use does not expand upon the current development footprint at the site.	N/A
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	Yes	As a farmstead disused for duration unknown, there will be consequent requirements for the provision (or at least overhaul and reinstatement) of a comprehensive suite of utilities and services to the site and upgrade (to include new passing places) of the lengthy existing access from the public road network	No, the size of the site and scale of proposed works indicate significant effects are unlikely.
(b) Cumulation with other existing/approved development			
Are there potential cumulative impacts with other existing development or for proposed development in the planning system?	Yes	The existing Enterkine House Hotel premises immediately neighbours the site to the SW. Of particular relevance regards its operation is a succession of temporary permissions for a temporary marquee which serves as a function / wedding venue. This represents clear potential amenity conflict with the proposed use, considering scale and proximity.	Not in the context of this screening opinion; it is considered both the extent and mitigation of such impacts, and the acceptability thereof, is best assessed through the Development Management process in consultation with Environmental Health as authority for statutory nuisance.
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			

	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 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 as housing units. Whilst previously a farm steading, the proposal does represent at micro scale the urbanisation of rural land insofar as in relative terms it significantly intensifies residential use in the countryside.	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 the Council as local authority implement existing domestic waste management upon occupation of the development.
(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. There will be residential-scale noise, light and heat energy emitted consequent to site occupation.	No, as observed post-construction effects should be equivalent to and reflective of the residential character of the site; while any adverse effects should be managed by SAC's Environmental Health service.
(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 both demolition and construction works 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	Yes	Diffuse and scattered residential use is evident in the site vicinity, of which Cedar Cottage some 80m NW of the site is the nearest. Immediately	No, in this context it is relevant to note that the redevelopment of the existing steading will actually diminish its resultant footprint, and originally hosted

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and recreation, public open space, community facilities, agriculture, forestry, tourism, water catchments, functional floodplains, mining or quarrying?		surrounding fields predominate and these are assumed to be actively farmed. The development does not entail consumption of / encroachment upon greenfield/agricultural land. The existing Enterkine House Hotel premises immediately neighbours the site to the SW. Of particular relevance regards its operation is a succession of temporary permissions for a temporary marquee which serves as a function / wedding venue. This represents clear potential amenity conflict with the proposed use, considering scale and proximity.	residential use albeit the proposal intensifies this in forming 8 units. Matters of the appropriate preservation of neighbouring uses' amenity are considered to be best addressed through the development management process, in which matters of design and siting – and reciprocal impacts upon amenity arising therefrom – will be assessed in detail.
(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	<p>Agricultural land at locus is graded 3.2 per JHI classification and is not therefore considered 'prime quality', albeit it does have fair agricultural utility.</p> <p>Important to note are multiple coverages indicating above-average biodiversity value at the site; it sits fully within provisional local wildlife site #99 – River Ayr: Annbank to Stair (save for westernmost access approach); this is recorded as incorporating a stretch of valley woodland valuable to both flora and fauna, particularly mammals, birds and plants.</p> <p>Furthermore, the Holm Bank expanse of woodland central to the latter site is also variously covered by both Ancient Woodland inventory and semi-natural woodland inventory, indicating landscape and flora value in its own right but broader ecosystem value in particular that of comprising potentially diverse habitat.</p>	<p>Whilst affording due cognisance of the particular biodiversity value apparent at this site, effects are not considered to be significant in the context of EIA with particular regard to its scale (8 dwelling units), the low intensity nature of residential end use, and the conversion basis of the proposal as compared to a 'hypothetical new build on greenfield' scenario.</p> <p>Notwithstanding, the Development Management process presents an important opportunity that the proposal and its implementation methodology afford due identification of and protection to these various biodiversity interests.</p> <p>In this regard it is noted a bat survey submitted in support of the application, undertaken by an SNH-licensed practitioner, recorded no presence of, nor roost-supporting potential for bats.</p>

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(c) Absorption capacity of the natural environment			
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?	No	N/A	
Are there any European sites or other areas classified or protected under national legislation, which may be affected?	Yes	There is a statutorily scheduled monument (SAM) some 330m east of the application site at the northern boundary of the Holm Bank stretch of woodland – ‘Enterkine,barrow’ – a burial mound of the Earlier Bronze Age. HES note it is ‘the best preserved barrow in the District’ (sic). A corresponding Archaeological Consultation Trigger zone surrounds the designation.	No, in consideration of the separation distance from the SAM and the limited scale of the proposed development works, any connectivity between the two is considered to be negligible. However, it may be worthwhile consulting WoSAS as part of the DM assessment to seek surety on this.
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?	No	Due to the remoteness of the steading, its setting amidst the rolling rural landscape and the hedgerowed B-roads in the vicinity, potential intervisibility between the site and receptors is effectively nil. Patrons of the adjacent Enterkine House Hotel may have sight of the steading however it is noted that extensive woodland wraps tightly around and between both sites.	N/A
Are there landscapes and sites of historical, cultural or archaeological significance which may be affected?	No	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. In particular, it is noted that the proposed development is neither located (wholly or in part) within, nor adjacent to, a 'sensitive area' as defined by Regulation 2. Notwithstanding, the main issues arising from the checklist are as follows:

- Potential amenity conflict between the proposed use and the immediately adjacent hotel / wedding venue, considering scale of the latter and the particularly close proximity between the steading to be converted and the venue marquee
- Potential impacts upon the above-average biodiversity value at the locus as indicated by the provisional local Wildlife Site designation and likewise overlapping partial coverages in both ancient and semi-natural woodland inventories, all focused upon (but not exclusively confined to) the expansive band of Holm Bank woodland parallel to the River Ayr; and the consequent potential that the site and its surrounds may provide habitat support for European-protected and other species. A corresponding legal framework pertains as regards protected wildlife, in particular the Wildlife and Countryside Act 1981 (as amended post-devolution) and the Habitats Regulations which transpose EC Directive 92/43/EEC.

From the above assessment undertaken in accordance with the Regulations and Circular 1/2017, the Council concludes that the proposed development at Enterkine Farm, North of Annbank, South Ayrshire, KA6 5AL – 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.

