

**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 (19/00005/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 BENNANE SHORE HOLIDAY PARK, BALLANTRAE, SOUTH AYRSHIRE**

The proposal is for the change of use of agricultural land to form extension to caravan site; forming 40 additional caravans, reception and sales office and associated access road at Bennane Shore Holiday Park, North of Ballantrae, South Ayrshire. The proposed development site extends to some 1.98 hectares inclusive of site access and waste water outfall. The proposal is Schedule 2 development under the terms of the above Regulations (qualifying variously under category 12(e)) 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 proposed development is located along a narrow, isolated strip of coastal land sandwiched between the coastal promontory and the A77 trunk road, in a remote and sparsely developed part of South Ayrshire. The area to be occupied by the caravans is set parallel to but below the existing A77 road level which bounds it. The form of the application site and the proposal layout that responds to it gives a distinct ribbon development character to the proposal.	Yes, the landscape is typified by its rugged and (very largely) undeveloped nature in conjunction with its open coastal aspect providing for expansive vistas in varying directions. The parallel positioning and pronounced proximity of the A77 to the coastline enhances the sense of an unfettered, direct relationship to the sea. Tourist development with its inherent draw of patrons at this sensitive and distinctive location will have an urbanising and 'busy' effect particularly juxtaposed to the remoteness and ruggedness of the site. Significance of this juxtaposing effect is further underlined by the LDP-ascribed Scenic Area designation covering the site and its surrounds.
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	Yes	As the donor site is an undeveloped / unimproved portion of (nominally) agricultural land, there will be consequent requirements for the provision of a comprehensive suite of utilities and services to the caravans on site and means of internal access to be introduced to/from the site to the existing public road network. Furthermore, sectional drawings for the proposal demonstrate substantial in-fill of land material to be introduced from outwith the site to achieve land-raising in the order of 10m.	Yes, the consequential development described will have myriad disruptive and invasive impacts on the land of the application site, especially at subterranean levels. This is a particular concern given the potential interconnectivity between subterranean works on-site and the integrity of the immediately neighbouring geological interests of the Girvan to Ballantrae Coast Section SSSI. Further compounding this concern is the substantial volume of land in-fill proposed to effect a land level raise of 10m at its most extreme, at cross-section A-A. A precautionary approach dictates concern that such a volume of matter introduced at such a gradient, and immediately next to a geological SSSI, bears potential for significant effects on the integrity of the geological interests by way of, inter alia, dilution and obfuscation of the layered strata and their fossilised deposits, and a rendered inability to study same, as may arise should landslip of / or cross-

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			contamination with the fill material occur.
<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?	Yes	The existing caravan park situated to the north, and occupying an extent discrete from and physically separate to the proposal site, also effects direct vehicular access and egress at the A77 additional and nearby to the proposal's access. In conjunction with approval at the existing site for year-round occupation of existing caravans, intensified traffic movements will cumulate in conjunction with the proposal at hand.	No, in the context of this screening opinion, effects are not considered significant for EIA purposes and are most appropriately managed through the Development Management process as informed by consultation with Transport Scotland as trunk roads authority. NB. Operation of the trunk road may also conflict with the proposal from a public safety perspective as regards the future sufficiency of the existing crash barriers in the changed context of having occupied development immediately off the carriageway and below the road level.
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?	Yes	This application represents part of a wider intensification of operations at Bennane Shore Holiday Park, as this extension is proposed in addition to recent approval to vary the permission at the original site to allow year-round occupation. Year round operation of the original site, and this extension, are not mutually dependent.	No, in the context of this screening opinion, effects are not considered significant for EIA purposes and are most appropriately managed through the Development Management process. However, it is worth noting that the physical separation between the parent site and this proposed 'extension' is peculiar and causes numerous unrelated private properties which intervene to be sandwiched and effectively enclosed between the two park extents.
<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 holiday caravans. In particular given the remote coastal location and the nature of the caravan structures, they will consume a disproportionate amount of off-grid domestic fuel. Furthermore, the site occupies hitherto	Yes; in the context of this proposal engendering the permanent development of hitherto undeveloped land, the botanical and habitat value of which is duly recognised in the provisional wildlife site designation; effects are considered significant as an irreversible consumption, fragmentation and deterioration of a natural habitat resource. Compounding this particular concern is the ribbon development nature of the

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		undeveloped land subject to a provisional local wildlife site designation (#11) which notes its high botanical interest as the Bennane Head Grasslands. This grassland site provides habitat for a breeding colony of fulmars. The site also represents natural resource as a buffer zone in climate change adaptation, protecting the A77(T) from future potential coastal erosion which may be exacerbated by changing weather trends and rising sea levels over the longer term.	proposal, and especially so insofar as it combines with the continuous strip of private residential development immediately north, and the existing caravan park immediately north beyond that.
<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. NB. The site is particularly sensitive to occupant-generated refuse waste and proper disposal of same given the acute coastal proximity.	No, this should be managed within the scope of any construction contract and the Council as waste management authority implementing / mandating appropriate waste management regimes upon occupation of the development.
<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 noise during the construction of the development; these works will be temporary. There will be minor residential-scale noise, light and heat energy emitted consequent to site occupation – during residency seasons. There is a potential risk, should contaminating leaks occur with the supporting utility infrastructure proposed – in particular the gas tanks and the subterranean sewage treatment system – that consequent leachate could percolate below ground level and pollute the strata of varying geological interest in the neighbouring SSSI.	No, not in context of the residential-scale occupant-borne pollution; as observed post-construction effects should be equivalent to and reflective of the pseudo-residential character of the site – while any adverse effects should be managed by SAC's Environmental Health service. Conversely, the potential effects arising from leachate from the gas tanks and the treatment plant <b>are</b> considered significant in this case in particular relation to the acute sensitivities of the geological SSSI to contamination and deterioration from such contaminant materials.
<b>(f) Risk of major accidents and/or disasters relevant to project concerned (including climate change-caused)</b>			

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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. Patrons of the site will be occupying space which immediately abuts a precipitous promontory and site layout/design will need to address the inherently hazardous situation of the site.	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. During occupation, water/ground (specifically, water-to-ground) contamination is a risk in so far as potential for leaks arising from the supporting utility infrastructure, in particular the gas tanks and the subterranean sewage treatment system.	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. Conversely, the potential effects arising from leachate from the gas tanks and the treatment plant <b>are</b> considered significant in this case in particular relation to the acute sensitivities of the geological SSSI to contamination and deterioration from such contaminant materials.
<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 is numerous private property which stands to be sandwiched between this proposal's 'extension' to the park, and the physically discrete original extent of the park. The key transport infrastructure of the A77(T) bounds the site and will experience some cumulative impacts as previously described above.	No, 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 will be assessed in detail.
<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	Yes	As mentioned above, the site is entirely overlapped by locally-designated provisional wildlife site #11 – Ballantrae to Girvan – which	Yes; in the context of this proposal engendering the permanent development of land the botanical and habitat value of which is duly recognised in the

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development?		cites high botanical interest for its grasslands, and which in turn provide habitat supporting an established breeding colony of fulmar birds.	provisional wildlife site designation; effects are considered significant as an irreversible consumption, fragmentation and deterioration of a natural habitat resource. Compounding this particular concern is the ribbon development nature of the proposal, and especially so insofar as it combines with the continuous strip of private residential development immediately north, and the existing caravan park immediately north beyond that.
<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?	Yes	The site is in immediate proximity of a sensitive, remote and wild stretch of the South Ayrshire coastline which is covered by both national SSSI and local wildlife site designations. The fulmar colony is a marine receptor of sorts in that their coastal breeding site at this locus is an intrinsic part of their fundamentally marine-based life-cycle as they are resident off-shore, save for the breeding period. Development in such close proximity of this exposed coastline militates against prudence in planning for climate change adaptation and the likely risk of future coastal erosion.	Yes; in the context of this proposal engendering the permanent development of land the botanical and habitat value of which is duly recognised in the provisional wildlife site designation; effects are considered significant as an irreversible consumption, fragmentation and deterioration of a natural habitat resource. Compounding this particular concern (ie. to habitat viability / integrity) is the ribbon development nature of the proposal, and especially so insofar as it combines with the continuous strip of private residential development immediately north, and the existing caravan park immediately north beyond that.
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	The immediately neighbouring Girvan to Ballantrae Coast Section SSSI is a national designation made in respect of myriad geological feature interests. It is considered this stands to be affected by dint of its proximity and the extent of land engineering that the proposal entails.	Yes, the development proposed will have myriad disruptive and invasive impacts on the land of the application site, especially at subterranean levels. This is a particular concern given the potential interconnectivity between subterranean works on-site and the integrity of the immediately neighbouring

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		Across the opposite side of the A77(T) from the site is another SSSI, Bennane Head Grasslands, itself designated in respect of biological (flora) interests. Due to physical separation and the static, non-migratory nature of the flora interests in the latter, it is not envisaged that the proposal would affect this particular SSSI.	geological interests of the Girvan to Ballantrae Coast Section SSSI. Further compounding this concern is the substantial volume of land in-fill proposed to effect a land level raising of up to 10m at its most extreme, at cross-section A-A. A precautionary approach dictates concern that such a volume of matter introduced at such a gradient, and immediately next to a geological SSSI, bears potential for significant effects on the integrity of the geological interests by way of, inter alia, dilution and obfuscation of the layered strata and their fossilised deposits, and a rendered inability to study same, as may arise should landslip of / or cross-contamination with the fill material occur.
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	Notwithstanding an element of self-containment owing to its site level sitting beneath that of the adjacent A77(T) road, the immediate proximity of the latter means the site is inherently of high visibility to the many people using the road. Casual and commercial sea traffic passing this section of the coast will find the site highly visible, in which regard the site level relative to the road is of no mitigation.	Yes, the A77 is in immediate proximity of the site and is a nationally-important strategic trunk road very heavily trafficked by passenger vehicles generally as well as freight / ferry traffic particularly, heading to/from Cairnryan. Visual impact upon passing traffic as a visual receptor at this locus, in conjunction with the much greater impact still on (comparatively lesser-volume) sea traffic, is thus considered potentially significant.
Are there landscapes and sites of historical, cultural or archaeological significance which may be affected?	Yes	Sawny Bean's Cave (Balcreuchan Port) is noteworthy in terms of local folklore and lies immediately to the south-west of the site.	No, in the context of this screening opinion, effects are not considered significant for EIA purposes and are most appropriately managed through the Development Management process.

## Conclusions

The checklist is a useful tool for the purposes of identifying a wide range of environmental receptors which could variously be affected by proposed development. The main effects of greatest concern considered to arise from the checklist are, inter alia:

- The significantly incongruous, conflictual nature of the development in terms of being out-of-scale with the host environment, with particular regard to its ribbon development form; its situation within a landscape typified by its rugged and largely undeveloped nature in conjunction with its open coastal aspect (providing for expansive vistas in varying directions); and the juxtaposition of its urbanising effect on the landform against the LDP-designated Scenic Area status whose coverage encompasses the site
- The likely significant visual impact had upon heavily-peopled and highly sensitive visual receptors, particularly in the context of the immediately proximity of the nationally-important strategic A77(T) trunk road very heavily trafficked by passenger, freight and ferry vehicles (notwithstanding an element of self-containment from same owing to site levels), and in addition the much more overt visual impact from and change of visual character to this remote and inaccessible stretch of coastline as beheld by lesser volumes of seaborne traffic
- The significance of the proposal's effects as an irreversible consumption, fragmentation and deterioration of a natural habitat resource; in the context of this proposal engendering the permanent development of land the botanical and habitat value of which is duly recognised in the provisional local wildlife site designation (#11) – and acknowledging that such adverse effects stand to be compounded the ribbon development nature of the proposal: especially insofar as it combines with the continuous strip of private residential development and existing caravan park development
- The myriad disruptive and invasive impacts of the development on the land of and adjacent the application site, especially at subterranean levels; particularly given the potential interconnectivity between subterranean works on-site (eg. potential pollution pathways to the SSSI from risk of gas tank and sewage treatment leachate) and the integrity of the immediately neighbouring geological interests of the Girvan to Ballantrae Coast Section SSSI. The proposal for such a volume of land-fill matter to be introduced at such a gradient, and immediately next to a geological SSSI, bears potential for significant effects on the integrity of the geological interests by way of, inter alia, dilution and obfuscation of the layered strata and their fossilised deposits within, and a rendered inability to study same, as may arise should landslip of / or cross-contamination with the fill material occur

From the above assessment undertaken in accordance with the Regulations and Circular 1/2017, the Council concludes that the proposed development at Bennane Shore Holiday Park, North of Ballantrae, South Ayrshire, as shown on the map below, is likely to result in effects on the environment which are sufficiently significant to require the submission of an EIA Report – and accordingly is of the opinion that **the proposed development qualifies as 'EIA development'**.

