

**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 (19/00659/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 LAND SOUTH OF FAIRFIELD NURSERY, BOGEND TOLL, SOUTH AYRSHIRE.**

The proposal is for the erection of a highway services area to include petrol filling station (Sui Generis) with associated retail kiosk (Class 1) and coffee shop with drive-through (Class 3) at Land to the South of Fairfield Nursery, Bogend Toll. The proposed development site extends to approximately 0.78 hectares. 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).
<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 site is fundamentally rural, remote from existing settlement boundaries, and provides a largely (though not entirely) greenfield backdrop to the north side of the A77(T) trunk road. The introduction of commercial built form will disrupt this setting and have an urbanising impact.	No, whilst the proposal's deliberate and logical proximity to the trunk road is inherently prominent its scale and extent is fundamentally self-contained. Further, it is noted that there is an established and relatively extensive cluster of semi- / former agricultural built form on the south side of the carriageway.
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	Yes	Consequential development will be confined within the site to internal configuration/infrastructure, underground utility / service provision, formation of accesses and hardstandings etc	No, the size of the site and scale of proposed works indicate an unlikelihood of significant effects though it is expected a degree of land cut will be requisite which may cause slightly disproportionate impact.
<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	There is multiple potential for cumulative effects on road capacity relative both to the existing Bogend cluster to the south side of the A77(T), itself subject to piecemeal development pressure some of which is presently being implemented; and more indirectly the delivery pipeline now on-stream of nearby LDP-allocated SYM1's 133 units.	No. For the purposes of this assessment the cumulative effects extent is predicted not to be significant in the context of the existing Bogend cluster and the more diffuse (and passing) capacity demand generated by SYM1 on the A77(T), and indeed in recognising that the intrinsic business model of the facility is to attract/capture patrons from already passing traffic (rather than necessarily comprising an attraction directly creating traffic generation anew). The planning application process provides adequate scope to address any issues of concern in this regard, particularly via consultation with ARA and Transport Scotland.
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>			

	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).
<p>Will construction or operation of the development use natural resources i.e. land (especially undeveloped or agricultural land)?</p> <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 consume a remnant parcel of (presently inoperative) non-prime (grade 3.2) agricultural land. Further, the development will utilise energy both in its construction and on an ongoing basis under its eventual occupation as a multi-use service station amenity. These uses will further entail consumption of water and facilitate the sale and consumption of non-renewable fossil fuels	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>			
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's occupation of a derelict site necessarily entails increased levels of noise and vibration as a result of reinstating active use. Leachate of spilled fuel and engine fluids is likely an inevitable effect of the use which has the potential to entail ground contamination to a greater or lesser degree over the long term.	No given the scale of development, but note that although the groundwater at this locus has low aquifer productivity, it does have relatively high vulnerability regards absorption of pollutants. Consultation with Environmental Health will likely be required as part of the planning application process particularly in cognisance of the likelihood of long-term ground contamination.
<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. A potentially high volume of vehicular movements (including, periodically, those of fuel tankers and other delivery HGVs) into, around and out of the site will be a particular accident risk with regard to	No, these risks will stand to be managed in accordance with industry standards and due protocol in safe working practice

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		the subsequent operation of the development itself. The forecourt and its storage/dispensing of fuels presents an obvious fire / explosion risk.	
<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 operation air pollution will result from patron vehicles and fuel tankers. Water contamination may arise should surface contaminants, most particularly spillages from fuelling apparatus, percolate to groundwater.	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 commensurate with / inherent to the nature of the development. Re: water contamination however, note that although the groundwater at this locus has low aquifer productivity, it does have relatively high vulnerability regards absorption of pollutants.
<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 an impact, particularly upon residential properties to the east, as a result of both construction works but moreover end use in the context of noise and vehicular emissions from HGV movements/idling – particularly given prevailing wind direction and strength at this exposed coastal location.	No. The planning application process is the most suitable means of addressing these issues, and consultation with Ayrshire Roads Alliance as roads authority and Environmental Health will likely assist consideration of these matters as part of the assessment process.
<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	No, former agricultural field is now truncated and cut-off by the surrounding flyover installation and no longer actively farmed. It is not prime quality agricultural land. Note there are neighbouring natural resource sensitivities to the north at Coodham Estate which is subject to blanket TPO coverage, an ancient woodland inventory record of some 17ha and a provisional wildlife site (#109).	No, the identified sensitivities are physically dislocated from the site itself and situated beyond the B730. Given the self-containment of the proposed development site and use, it is not envisaged that any indirect connectivity between the development and the natural resources within Coodham Estate could feasibly amount to a significant effect.
<b>(c) Absorption capacity of the natural environment</b>			
Are there any wetlands, riparian areas or river mouths which may	Yes	There are no watercourses within the site confines	No, given the scale and relative self-containment of the

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be affected?		however a substantial balancing pond has been formed to the site's immediate north in association with the A77 flyover, and there is an associated coverage of medium-high surface water flood risk which spills over into the north-eastern end of the site.	site's operations and the lack of particularly sensitive / developed adjacent sites, however; it is noted the flood-risk area in the site's north largely coincides with the proposed location of the subterranean(?) storage tanks and 2x no. car wash bays. Hence the development risks both exacerbating surface flood risk at this locus, and some of its essential infrastructure potentially being negatively impacted / compromised in terms of the security and integrity of the storage tanks relative to the potential the saturation of the ground in which they are located.  In this regard, consultation with Building Standards (Flood Risk) and/or SEPA may be appropriate to ensure the planning application process is best able to adequately quantify and mitigate any potential issues.
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 proposal comprises arterial development intended to and reliant upon achieving a high level of prominence to the passing motorist on this busy and strategic stretch of trunk road dual carriageway.	The small scale and containment of the site indicates it is unlikely effects will be significant and stand to be considered most proportionately within the planning application assessment. However, the proposed situation of totem signage at the roadside edge of the site will (by design) further heighten the visibility of the development, and the visual prominence of / exposure to the site is also exacerbated by the vantage point

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			over the site afforded by the elevated position of traffic passing along the B730 / A77(T) flyover.
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. The main effects arising from the checklist are:

- Potential impacts upon human health of patrons from a concentration of vehicle-borne air pollution, particularly given the high incidence of vehicle idling and stop/start manoeuvres
- Potential impacts with regard to ground and groundwater contamination pursuant to the leaching of fuels and engine fluids
- Potential impact of the inevitably high visibility of the development site in the context of its intentional prominence, its additional exposure resulting from the trunk road flyover and the site's situation within a fundamentally rural area distinctly remote from existing settlement boundaries

From the above assessment undertaken in accordance with the Regulations and Circular 1/2017, the Council concludes that the proposed development at Land to the South of Fairfield Nursery, Bogend Toll, 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.

