

**THE TOWN AND COUNTRY PLANNING ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017
SCOTTISH GOVERNMENT CIRCULAR 1/2017**

**RESPONSE OF SOUTH AYRSHIRE COUNCIL TO A PLANNING APPLIATION (19/00031/APPM) 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 OLYMPIC BUSINESS PARK, B730 DUNDONALD - COUNCIL BOUNDARY, DUNDONALD

The proposal concerns the extension of the existing recycling facility to include the storage of inert materials, construction of haul roads, installation of plant and machinery, formation of lagoons and associated screening and landscaping. The proposed development site extends to some 9.26 hectares at a site located at Olympic Business Park, Dundonald. It should be noted that the application is partly retrospective.

The proposal is Schedule 2 development under the terms of the above regulations (falling within 10(a)) 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 types of development, perhaps the majority, it will be necessary to consider the characteristics of the development 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 2011 – 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 the Development			
(a) Scale of the development			
Will the development be out of scale with the existing environment?	Yes	The proposed development would	It is not considered that solely on the basis of the scale of the

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		extend the consented operational area of the existing recycling facility.	proposed extension that the effects would be 'significant' within the context of the EIA Regulations.
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	Yes	<p>The site will receive waste material associated with the functions of the business and this material will be stored and recycled on site before being taken offsite for reuse for a variety of purposes.</p> <p>There will therefore be new internal roads, although there will be no permanent structures within the proposed extended area.</p>	The provision of an access road within the site is considered not to give rise to significant effects within the context of the EIA Regulations.
(b) Cumulation with other development			
Are there potential cumulative impacts with other existing development or for proposed development in the planning system?	Yes	It has been taken into account that the site is located within 1km of the boundary of Hillhouse Quarry where blasting takes place to break and dislodge rock from quarry faces. In terms of the cumulative effects of both sites in operation it is envisaged that they would be largely restricted to landscape implications and traffic generation.	<p>The landscape implications are not considered to be significant because within the wider locale there is a scattering of development, including the settlement of Dundonald, Palmer Mount industrial estate, Shewalton, the Paper Mill and Drybridge.</p> <p>The traffic implications are not considered to be significant for the purposes of this assessment, however, this will form part of the considerations in the determination of any future planning application.</p>
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		
(c) Use of natural resources			
<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"> • water or fisheries? • minerals or aggregates? • agriculture, forests and timber? • energy including electricity and fuels? • any other resources? 	Yes	The proposed extension will take place upon an area of currently undeveloped land, although it is noted that a large part of the area proposed for the extension is the site of a former nylon tip, for which consent was granted to	Proposals to develop on previously undeveloped land is not considered sufficient for the purposes of giving rise to 'significant' effects under the terms of the EIA Regulations. In addition, it is recognised that a large portion of the site was previously utilised as a nylon tip.

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		<p>encapsulate in 1988.</p> <p>It is noted that a number of trees within the site would retained and would, in part, screen the site from the surrounding area.</p> <p>Mapping indicates that there are two minor watercourses within the site.</p>	<p>Some of the trees within the site are identified as being within the Ancient Woodland Inventory and therefore their loss would be of some concern, however, it is recognised that this is not a statutory protection. In addition, this is a matter which is ordinarily addressed as part of the planning applications process. The applicant should give consideration to the submission of a tree survey as part of the submission of any future planning application.</p> <p>Any implications for the watercourses must ensure that there are no implications for European Protected Species. The submitted application will be subject to review by relevant consultees in respect of European Protected Species.</p>
(d) Production of waste			
Will the development produce wastes during construction or operation or decommissioning?	Yes	As with most construction processes, the production of waste is inevitable.	No significant effects in this regard, although as part of the planning application process the applicant should provide a clear indication of what the waste remaining on the site will be used for and what will happen to this waste in the long term.
(e) Pollution and nuisances			
Will the development cause noise and vibration or release of leachates, light, heat energy or electromagnetic radiation during construction or operation or decommissioning?		<p>There will be noise and vibration as a result of construction works and operation of the site.</p> <p>The site could result in the release of leachates and, given proximity to watercourses, this is an issue which must be addressed.</p>	<p>The noise and vibrations associated with the site are not considered to be significant within the context of existing operations at the consented site and the fact that it is adjacent to a longstanding industrial estate.</p> <p>In terms of the release of leachates, further information should be provided as part of the planning application process and the views of both SEPA and SNH sought.</p>
(f) Risk of accidents, having regard in particular to substances technologies used			
Will there be a risk of accidents during construction or operation of the development which could have effects on people or the environment?	Yes	The site would accommodate industrial operations and therefore there would be a risk of accidents.	Safety within the site during construction and operation should be managed by contractors/operators.
(g) Other characteristics: potential physical changes (topography, land use, changes in waterbodies etc) from construction, operation or decommissioning of the			

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development			
<ul style="list-style-type: none"> permanent or temporary change in land use, landcover or topography including increases in intensity of land use? 	Yes	There will be a permanent change in the use of the land.	No. A change in the use of land on its own does not give rise to likely significant effects.
<ul style="list-style-type: none"> peat land disturbance and/ or degradation leading to: carbon release, damage to habitats, affecting land stability or hydrology? 	Uncertain	<p>The area is not known to contain peat resources.</p> <p>The application site is partly located within a provisional, non-statutory wildlife site which is identified as a series of wetland habitats.</p>	Potential damage to habitats, although further studies would be required to what extent. The views of SNH will be highly relevant in this regard. It is recommended that the applicant engages with SNH in advance of the submission of a planning application to determine the information requirements. For the purposes of this assessment, it is considered that perceived effects at this stage upon a non-statutory designation are not sufficiently significant to merit 'EIA development', although this will form a key aspect of the consideration of any future planning application.
<ul style="list-style-type: none"> pre-construction investigations e.g. boreholes, soil testing? 	Unlikely		
<ul style="list-style-type: none"> construction, demolition, reclamation or excavation works? 	Yes	There will be construction works.	No. The extent of construction works will be of a relatively small scale, restricted to surfacing works.
<ul style="list-style-type: none"> underground works ? 	Unlikely	There may be small-scale underground works to install foundations for the warehouse building. The extended area is generally for the storage and treatment of recyclable material above ground.	No.
<ul style="list-style-type: none"> facilities for storage of goods or materials? 	Yes	The proposed site would store materials until they are ready to be recycled.	No. On the basis of materials simply being stored on the site, it is considered that there will be no significant effects in this regard.
<ul style="list-style-type: none"> new road, rail, air or sea traffic or infrastructure during construction, operation or decommissioning? 	Yes	There will be additional road traffic during the construction and operation of the proposed development.	No. Construction traffic will be temporary and operational traffic can be addressed as part of the conventional planning application process.
<ul style="list-style-type: none"> new or diverted transmission lines or pipelines? 	No		
<ul style="list-style-type: none"> any works requiring an authorisation under the Water Environment (Controlled Activities)(Scotland) Regulations 2005 	Unknown		

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<ul style="list-style-type: none"> long-term/ongoing activity during restoration or decommissioning which could have an impact on the environment? 	No	The application is for a permanent change in the use of the land.	Given that the application proposes to change the use of the land on a permanent basis there are no restoration proposals at present. Dependent upon the outcome of the planning application, this may be something which is addressed as part of the assessment process.
<ul style="list-style-type: none"> influx of people to an area either temporarily or permanently? 	Yes	There will be an influx of people during the construction and operation of the proposed development.	It is considered that within the context of the wider area, particularly the consented element of the site and the industrial estate, there is already a high level of activity within the surrounding area. The proposals would be unlikely to significantly affect this in relative terms and it is therefore considered that effects in this regard would not be significant within the context of the EIA Regulations.
<ul style="list-style-type: none"> any other changes? 	No		
2. Location of the Development			
(a) Existing 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	The proposed development would largely take place within an area of undeveloped land. The proposals would result in the removal of a number of trees within the site, although it is noted that the applicant proposes to retain a band of trees around the site for screening purposes. There are two minor watercourses within the site.	No. The fact that the proposed development will take place upon undeveloped land does not merit EIA development. Some of the trees within the site are identified within the "Ancient Woodland Inventory" and "Semi-natural Woodland Inventory", however, the loss of trees on this scale is not considered to give rise to "significant" effects under the terms of the EIA Regulations. Any implications for the watercourses should be addressed in consultation with SEPA as part of the planning application process. It is recognised that a separate SEPA licence will be required in order to control operations at the site.
(b) Relative abundance, quality and regenerative capacity of natural resources in the area			
Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the development?	Yes	There is a SWT Reserve to the north west of the site, within the boundary of North Ayrshire and a wildlife site partly within the application site.	No, although there are likely to be implications for both of these designations (particularly the wildlife site), neither of these are statutory sites and neither are defined as 'sensitive areas' within the EIA Regulations. Accordingly, it is considered that the planning application process (and associated survey work) provides sufficient scope to address impacts upon these areas and their associated interests.
(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 areas on or around the location which are protected under international or national or local legislation for their ecological, landscape and visual, cultural or other value, which could be affected by the development? Particular attention should be paid to wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, nature reserves and parks.	Yes	There is a SWT Reserve to the north west of the site, within the boundary of North Ayrshire and a wildlife site partly within the application site. There are two minor watercourses within the site.	No, although there are likely to be implications for both of these designations (particularly the wildlife site), neither of these are statutory sites and neither are defined as 'sensitive areas' within the EIA Regulations. Accordingly, it is considered that the planning application process (and associated survey work) provides sufficient scope to address impacts upon these areas and their associated interests. Any implications for the watercourses should be addressed in consultation with SEPA as part of the planning application process. It is recognised that a separate SEPA licence will be required in order to control operations at the site.
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?	No		
Are there protected species in or around the location, for example European Protected Species, which could be affected?	Unkn own	The site could potentially contain protected species, however, this is unknown at present.	For the purposes of this assessment, it is considered that the planning application process provides sufficient scope for the consideration of any required survey work and the input of consultation authorities.
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?	No		
Are there any areas or features of historic or cultural importance on or around the location which could be affected?	No		
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected?	Yes	The consented part of the site is likely to be causing pollution at present, however, operations are controlled by a SEPA licence covering the site.	No. There has been no notification from SEPA that environmental standards are being exceeded. Whilst there is an extant breach of planning consent, this is in the process of being addressed through a new planning application covering the entire site.
Is the development in a location where it is likely to be highly visible to many people?	No		
Is the location of the development susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions which could cause the development to present environmental problems?	No		

Conclusions

The checklist is a useful tool for the purposes of identifying the wide range of environmental receptors which could be affected by the proposed development. The main issues which have emerged from the checklist are:

- The loss of trees. This is not an issue which generally merits a proposal being deemed as 'EIA development' and it is noted that a number of trees would be retained around the perimeter of the site in order to provide natural screening. It is noted that a tree survey has been submitted with the planning application.
- Impacts upon the wildlife site and associated species. Wildlife sites are non-statutory designations which are not recognised as 'sensitive areas' under the terms of the EIA Regulations. Accordingly, it is considered that in conjunction with necessary survey work and consultation with natural heritage consultees, implications can be addressed as part of the planning application process.
- Impacts upon the nearby SWT Reserve. The application site is outwith the Reserve, although the works associated with the proposals, including the loss of trees, could have implications for species supported by the Reserve. It is considered that an ecological survey should be undertaken in order to determine species activity within the site and scope for any necessary mitigation measures.
- Implications for watercourses. This can be addressed as part of the planning application process. The views of both SEPA and SNH will be of particular relevance to this issue.

From the assessment undertaken in accordance with the Regulations and Circular 01/2017, the Council concludes that the proposed development as shown on the map forming part of the screening request and attached as an appendix, is unlikely to result in effects on the environment which are sufficiently significant to require the submission of an environmental statement.

