

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
THE SCOTTISH GOVERNMENT CIRCULAR 01/2017**

RESPONSE OF SOUTH AYRSHIRE COUNCIL TO A REQUEST FOR A SCREENING OPINION SUBMITTED UNDER THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017. THE PROPOSED DEVELOPMENT SITE IS LOCATED AT TARBOLTON MOSS LANDFILL SITE, MAUCHLINE

The proposed development concerns the proposed extension of the existing Tarbolton Moss Landfill Site.

The proposed extension would consist of approximately 15 hectares of extended landfill and be located immediately adjacent to the eastern boundary of the existing landfill site. It is anticipated that the proposed development would add void capacity of approximately 1.25million m³.

The site of the proposed extension is bounded to the north by the U78 and Long Wood, to the east and south by agricultural land and to the west by the existing landfill site. The site in question is currently used agricultural purposes, namely grazing.

It is of significance to note that any submitted planning application would also seek to extend the life of the existing landfill site by ten years.

It is proposed that the extended landfill would operate in accordance with the operating hours which currently apply to the existing landfill site, namely:

- Monday to Friday: 07:00 – 17:30 hours;
- Saturday: 07:00 – 12:00 hours.

The applicant in the Screening Request states that it is envisaged that waste deliveries to the extended landfill would not increase over the existing number of vehicle movements associated with the landfill.

The proposal is Schedule 2 development under the terms of the above regulations 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 the majority of cases, 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 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, intensity and complexity, probability, duration, frequency and reversibility, cumulation with other existing and/or approved developments and the possibility of effectively reducing 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 result in the existing landfill site being extended to the east into land which is currently used for agricultural grazing. The Biggary Burn and the existing field boundary would form the eastern boundary of the proposed extended landfill site.	The proposed development would result in the existing landfill site being extended to the east into land which is currently used for grazing purposes. The formation of the void and disposal of waste will result in the creation of disturbed areas of ground which has the potential to impact adversely on views from surrounding communities, individual residential properties and public roads within the vicinity and upon the character of the local landscape. Depending upon the detail of the proposal, soils and other material excavated to form the void may require to be temporarily stored within the site in mounds, with potential for further landscape and visual effects. The appearance of the landfill operation is significantly at variance with that of the surrounding pastoral landscape and there is therefore potential for the effects to be significant and long lasting.
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	Yes	Works are likely to be minimal given that the existing landfill site is already operational. Access to the proposed landfill extension would be via the existing dedicated junction on the U78 minor road to the north of the site which already serves the existing landfill site. On site haul roads would provide a connection to the extended	No.

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		site.	
(b) Cumulation with other development			
Are there potential cumulative impacts with other existing development or for proposed development in the planning system?	Yes	The proposed development would represent an extension to the existing landfill site. The applicant has advised that the extended site would operate in line with the conditions and operating practices which currently apply to the existing landfill site.	<p>The development subject to the screening opinion would result in the loss of land which is currently used for agricultural purposes and would represent an extension to the adjacent landfill site. The proposed extension would add void capacity of approximately 1.25million m³. The proposed extension would add approximately 19 years to the life of the landfill site. The applicant has indicated that the extended site would operate under the same conditions and working practices as they currently apply to the existing site.</p> <p>The expansion of the existing landfill operation has the potential for additional landscape and visual impact and the production of leachates, landfill gas and contamination of the water environment over and above those of the existing landfill operation.</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?	Yes	The proposed development would be considered to be an extension to the existing landfill site.	The proposed development relates to the proposed extension to the existing landfill site. The landfill site is already operational and as such will continue to operate under its existing consent should the proposed development not go ahead.
(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	<p>The proposed development will utilise land which is currently used for agricultural grazing purposes.</p> <p>It is noted that part of the proposed extension is identified as land capable of producing a moderate range of crops, while</p>	The proposed development would result in the permanent loss of agricultural land, the significance of which requires to be further clarified.

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		the majority of the site is found to be land capable of producing a narrow range of crops.	
(d) Production of waste			
Will the development produce wastes during construction or operation or decommissioning?	Yes	The development will require excavation of significant volumes of material to form the void. Depending upon the detail of the development excavated material may require to stored on site for later use in reinstatement or transported off-site for disposal.	Depending upon its final use, the disposal of extracted waste material may require authorisation under Waste Framework Directive and any potential adverse environmental effects would be mitigated through these controls.
(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?	Yes	During the construction phase, the excavation of the void has the potential for nuisance as a result of noise, vibration and dust. The operational phase (land-filling of waste) of the development has the potential for nuisance as a result of noise, vibration, dust, odour, leachate, landfill gases and attraction of vermin and pests. The proposed extension to the existing landfill may, therefore, result in increased noise and vibration and lower air quality and give rise to the possibility of increased pollution from leachates, landfill gas and water and nuisance arising from vermin and pests.	The effects could be significant given the limited separation distances from the nearest sensitive receptors. It is noted however that the operational phase will require authorisation under the Pollution Prevention and Control (PPC) licensing regime and that measures will be imposed under that regime to limit the production of leachate and landfill gases and to require appropriate treatment of such emissions to protect the wider environment. Measures will also be required under PPC licensing limit noise, vibration, vermin and pests. Notwithstanding that the negative effects of the development will require to be mitigated through measures imposed under PPC licensing, there is the potential for the development to have adverse effects that cannot be fully mitigated.
(f) Risk of accidents, having regard in particular to substances technologies used			

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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	There is potential for contamination of the water environment and soil during construction and operational phases from accidental fuel and oil spills from construction machinery.	Any risks in this regard, should be managed by the developer and operator under normal construction environmental practice.
(g) Other characteristics: potential physical changes (topography, land use, changes in waterbodies etc) from construction, operation or decommissioning of the 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	The proposed development site is currently an area of agricultural land which is used for grazing purposes.	The proposed development would significantly change the land in question. The land would be used more intensively with potential significant changes in topography and landcover.
<ul style="list-style-type: none"> peat land disturbance and/ or degradation leading to: carbon release, damage to habitats, affecting land stability or hydrology? 	No		
<ul style="list-style-type: none"> pre-construction investigations e.g. boreholes, soil testing? 	Yes	No details have been provided in relation to pre-construction investigations however it is assumed that such investigations would be undertaken in order to inform the planning and development process.	No details have been provided and as such it is considered that significant impacts may be identified following such investigations.
<ul style="list-style-type: none"> construction, demolition, reclamation or excavation works? 	Yes	There will be construction works.	Any effects would require to be suitably managed by the developer/operator. The proposed use of the land would result in a significant change in order to add a void capacity of 1.25million m ³ . In this regard the complexity of such a change and the final use is one which increases the significance that may be experienced.
<ul style="list-style-type: none"> underground works ? 	Yes	The proposed facility will would result in an additional void capacity of approximately 1.25million m ³ to that which already exists at the operational landfill site.	Significant impacts may be realised as a result of the formation of the void area. The storage of municipal, non-hazardous and inert waste may result in leachates, landfill gas and water. Such issues have the potential to result in a significant impact upon the natural environment and further investigation and consideration of mitigation

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			measures are required.
<ul style="list-style-type: none"> facilities for storage of goods or materials? 	Yes	It is understood that the proposed landfill extension will accept the same material as that permitted at the existing site. The proposed landfill extension will therefore be used for the disposal of municipal, non-hazardous and inert waste and will be discharged from the delivery vehicles into engineered cells and thereafter compacted.	The facility may result in leachates, landfill gas and water. Such issues have the potential to result in a significant impact upon the natural environment as well as increasing noise and vibration and reducing the air quality of the local area.
<ul style="list-style-type: none"> new road, rail, air or sea traffic or infrastructure during construction or operation or decommissioning? 	No	The proposed development will utilise the junction which serves the existing landfill site.	No
<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 	Yes	Requirements for CAR are not likely to be substantial and limited to new drainage or drainage amendments.	No.
<ul style="list-style-type: none"> long-term/ongoing activity during restoration or decommissioning which could have an impact on the environment? 	Yes	<p>There is potential for ongoing production of leachate and landfill gas following reinstatement of the land.</p> <p>In addition the capability to fill and restore the created void space is of concern given the limited waste inputs to the existing landfill site and also the requirements that by 2025 only 5% of waste in Scotland will be sent to landfill.</p>	<p>It is noted that the operational phase will require authorisation under the Pollution Prevention and Control (PPC) licensing regime and that measures will be imposed under that regime to limit the production of leachate and landfill gases and to require appropriate treatment of such emissions to protect the wider environment. Notwithstanding that the negative effects of the development will require to be mitigated through measures imposed under PPC licensing, there is the potential for the development to have significant adverse effects that cannot be fully mitigated.</p> <p>The capability to fill and restore the proposed void could result in</p>

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			an unrestored site which could result in significant environmental impacts.
<ul style="list-style-type: none"> influx of people to an area either temporarily or permanently? 	Yes	Temporary influx workers can be expected during the construction period. It is understood that two additional staff members will be employed on a permanent basis following completion of the landfill extension.	No.
<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	<p>The proposed development concerns the use of land which is currently used for agricultural grazing purposes. The surrounding land uses to the north, east and south of the proposed extended landfill site are all of agricultural use.</p> <p>The proposed development is located on an area which is identified</p> <p>There are a number of residential properties located within the vicinity of the proposed development, the closest of which is located approximately 300m to the west. It is likely that the proposed development will be visible to residential properties within the vicinity of the proposed development site.</p>	<p>The surrounding agricultural uses are unlikely to be affected by the proposed development. The effects on the amenity of the residential properties within the vicinity of the proposed development have the potential to be significant if mitigation under the Pollution Prevention and Control regime is not sufficient to fully mitigate these effects.</p> <p>It is considered that the risk fluvial flooding as well as impacts from watercourses/land drains which traverse the site could result in significant impacts. The impacts could potentially increase the risk of flooding with potential significant impacts experienced downstream in Tarbolton where flooding has previously occurred. Given the lack of mitigation it is considered that the impacts of the proposed development could be significant.</p>

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		A large proportion of the site is identified as being located within a fluvial floodplain. In addition there are a number of small watercourses/land drains running through the proposed site, while residents of Tarbolton are located downstream.	
(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?	No		
(c) Absorption capacity of the natural environment			
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	The site is located immediately to the north of Fail Moss Wildlife Site. It is noted that the proposed development site is located entirely outwith the designation.	The consideration of loss of habitat and the impact of the proposed development on protected species requires careful consideration. The location of Fail Moss Wildlife Site is a key consideration in assessing the impacts of the proposed development. A phase 1 habitat survey would assist in determining whether areas of Groundwater Dependent Terrestrial Ecosystems (GWDTEs) were present at the site and thereafter what mitigation would be required. It is considered that the impacts could be significant.
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?	No		
Are their protected species in or around the location, for example European Protected Species, which could be affected?	Yes	The existence of protected species requires to be investigated. It is considered that there is potential for protected species to be in or within the vicinity of the proposed development site.	Potential exists for protected species to be located in or within the vicinity of the proposed development site. Should such species be present the proposed development could result in significant impacts.

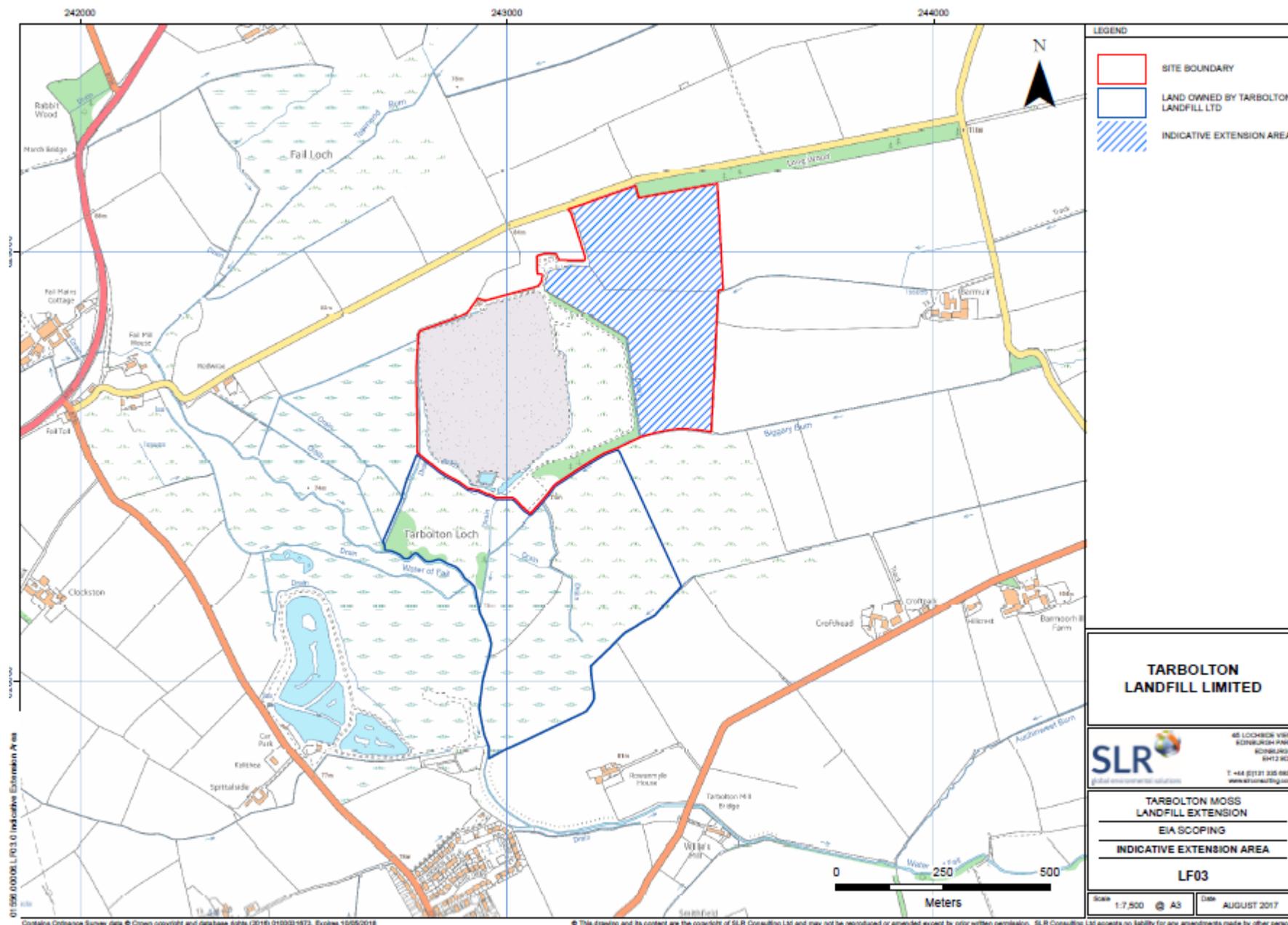
	Yes/ No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, intensity and complexity, probability, duration, frequency and reversibility, cumulation with other existing and/or approved developments and the possibility of effectively reducing of any impact(s).
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?	YES	The site is located near to a recreational fishery which has the potential to be affected by significant changes in the quality of the landscape and through increased noise and odour.	It is noted that the operational phase will require authorisation under the Pollution Prevention and Control (PPC) licensing regime and that measures will be imposed under that regime to limit the potential for nuisance. Notwithstanding that the negative effects of the development will require to be mitigated through measures imposed under PPC licensing, there is the potential for the development to have significant adverse effects that cannot be fully mitigated.
Are there any areas or features of historic or cultural importance on or around the location which could be affected?	Yes	There are a number of listed buildings located within the village of Tarbolton. In addition Tarbolton Motte, a scheduled monument is also located within Tarbolton.	No. The listed buildings and scheduled monument are all located within Tarbolton and as such it is considered that the proposed would not significantly worsen the setting of the listed building or the scheduled monument.
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 existing landfill site is receiving waste for landfill with the management of leachate, landfill gas and water being regulated by SEPA through a PPC Permit.	The proposed facility will operate under the same operating conditions as the existing facility and would be subject to regulation by SEPA through a PPC Permit. It is however considered that the environmental impacts of the proposed development require to be fully assessed as the impacts have the potential to be significant.
Is the development in a location where it is likely to be highly visible to many people?	No	A small number of residential properties are located nearby however the number of people with visibility of the development site would be minimal.	Further investigation of the potential landscape and visual impact is required to determine the significance of these effects.
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?	Yes	The SEPA mapping notes that the site may be located within an area that may be at risk of fluvial flooding.	Further investigation would be required in relation to this issue to identify the extent of the potential for flooding.

Conclusions

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

- The formation of the void and the disposal of waste will result in disturbed areas of ground which could significantly impact upon views. There is potential for significant landscape and visual impacts.
- The storage of waste has the potential for the production of leachates, landfill gas and contamination of the water environment above those experienced as a result of the existing landfill operation.
- The proposed extension to the existing landfill may result in increased noise and vibration and lower air quality and give rise to the possibility of increased pollution from leachates, landfill gas and water and nuisance arising from vermin and pests.
- The operational phase of the development will require authorisation under the Pollution Prevention and Control (PPC) licensing regime and that measures will be imposed under that regime to limit the production of leachate and landfill gases and to require appropriate treatment of such emissions to protect the wider environment.
- The risk of fluvial flooding as well as impacts from watercourses/land drains which traverse the site could result in significant impacts. The impacts could potentially increase the risk of flooding with potential significant impacts experienced downstream in Tarbolton.
- The proposed development has the potential to have significant impacts on protected and non-protected species especially given the nearby location of Fail Moss Wildlife Site, while further investigation is required to establish the potential presence of Groundwater Dependent Terrestrial Ecosystems (GWDEs).
- The capability of the proposed void being filled and fully restored requires further investigation given that the existing landfill site currently has limited waste inputs, while national requirements states that by 2025 only 5% of waste in Scotland will be disposed of to landfill.

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



01:59:00006.LF03.0 Indicative Extension Area

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