

**The Town and Country Planning  
(Environmental Impact Assessment) (Scotland)  
Regulations 2017**

**Scoping Opinion of South Ayrshire Council  
for the proposed 'Phase 5' eastwards extension to an existing  
spirit maturation warehousing complex, to comprise a further  
18 warehouses totalling 160,000m<sup>2</sup> at The Curragh, north of  
Girvan Distillery, Grangestone Industrial Estate, Girvan, South  
Ayrshire**

**Scoping Opinion reference:  
Date of issue:**

**19/SCO/01  
13<sup>th</sup> February 2019**

*south*  
**AYRSHIRE**  
COUNCIL



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## **1. Introduction**

South Ayrshire Council received a request on Friday 11<sup>th</sup> January 2019 under Regulation 17(1) of *The Town and Country Planning (Environmental Impacts Assessment) (Scotland) Regulations 2017* (hereafter 'the Regulations') for a scoping opinion in respect of a 'Phase 5' eastwards extension to an existing spirit maturation warehousing complex, to comprise a further 18 warehouses totalling 160,000m<sup>2</sup> at The Curragh, north of Girvan Distillery, Grangestone Industrial Estate, Girvan, South Ayrshire. The purpose of this scoping opinion is to provide the applicant with the planning authority's opinion as to the main issues upon which the EIA report should focus.

In preparing this scoping opinion the planning authority has consulted with a range of agencies (both statutory and non-statutory) providing them a copy of the applicant's submitted EIA scoping report (Rev. B) dated 10<sup>th</sup> January 2019. Each consultee provided a response relating to their own particular remit. The responses of the consultation authorities are set out within Appendix A. Please note the responses submitted by the consultation authorities form an integral part of the scoping opinion and should therefore be read in full.

As evidenced by the wide range of consultees there are numerous matters associated with this proposal which require to be addressed within the EIA report. This cover note summarises what the Council considers to be the issues upon which there will be likely significant effects, and therefore those upon which the EIA report should focus accordingly.

## **2. Description of the development**

The subject of this scoping opinion is the distilled spirit maturation complex known as The Curragh, operated by Wm Grant and Sons Distillers Ltd. The Curragh is located approximately 3km north-east of the town of Girvan, South Ayrshire. The Curragh complex occupies formerly agricultural land, previously Curragh Farm, immediately adjacent to its parent site Girvan Distillery which itself forms the majority concern operating at the Grangestone Industrial Estate at the locus. The site is accessed via the B741 which in turn obtains access the A77(T) trunk road 1.3km to the SW. The site is bounded by expansive agricultural land to the north and east, a substantial mature shelter belt demarcating the northern extent to the curtilage of the B-listed property Trochrague to the south east, and a combination of industrial development to the south-west and west comprising the Grissan Carrick site and preceding Curragh warehousing phases respectively.

The planning status of the warehouse complex derives from a series of planning permissions approved between February 2012 and November 2014; namely 11/01426/APP, 14/00950/APP and 14/01227/APP. The development in its current form was itself EIA development, in respect of which Environmental Statement(s) were compiled in support of the respective applications.

The existing complex as developed to its current extent comprises approximately 48 hectares of ground to the north of the Distillery site. The proposal at hand engenders a further phase of 18 warehouses, each 5000m<sup>2</sup> in area, to extend the warehousing complex to a total area of circa 89ha. Whilst the nature of the development as extended does not qualify as Schedule 1 development under The Regulations, the developer Wm Grant and Sons has itself determined its proposal to constitute EIA development with reference to the treatment of the preceding phases as EIA development and the recurrence of, and cumulative effects upon, the likely significant impacts on the prescribed environmental factors as previously considered; and elected to submit its scoping request accordingly.

An original development horizon for the Curragh complex was estimated to endure to 2038. The applicant cites that latterly brand growth, market expansion and the contracting-in of spirit production and storage on behalf of third parties at the Girvan site has significantly accelerated build out of the present consented Curragh extent, as well as precipitating the demand which translates into and necessitates the additional maturation / storage capacity to be provided by this phase.

### **3. Planning policy context**

In developing the proposal and preparing the EIA report, particular regard should be afforded to the relevant provisions of both Scottish Planning Policy (SPP) (2014) and the adopted South Ayrshire Local Development Plan (LDP) (2014); SPP contains, inter alia, a subject policy *Promoting Rural Development* (cf. paras. 74-75) which states that the planning system should reflect the following principles:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Similarly, SPP subject policy *Supporting Business and Employment* espouses policy principles for the planning system to:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

Locally, the LDP identifies the site as lying within both its Spatial Strategy's Carrick Investment Area and the plan-designated Scenic Area. Additionally, there are area coverages which feature as entries on both the Ancient Woodland and Semi-natural Woodland inventories. As such the following LDP policies are considered applicable:

- LDP policy: spatial strategy (cf. Carrick investment area)
- LDP policy: sustainable development
- LDP policy: business and industry
- LDP policy: landscape quality
- LDP policy: protecting the landscape
- LDP policy: woodland and forestry
- LDP policy: preserving trees
- LDP policy: Central Scotland Green Network
- LDP policy: water environment
- LDP policy: archaeology
- LDP policy: natural heritage
- LDP policy: land use and transport
- LDP policy: freight transport

### **4. Consideration of alternatives**

Regulation 5(2) of the 2017 Regulations requires the EIA report to include information on the reasonable alternatives studied by the developer (relevant to the development and its specific characteristics) and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment. Recognising this proposal forms an extension to an existing operational development it is envisaged that this would be a relatively brief exercise in this instance. However, this Opinion considers that the account provided should explicitly include options appraisals in respect of siting and layout of this proposed phase; and the economic / production imperatives for the additional capacity and whether or not (and by what means) that capacity may or may not otherwise be feasibly met without the proposed form of additional physical development, eg. alternative physical forms, off-site / outsourced provision, etc; and ultimately the determining factors in discounting such alternatives.

### **5. Cumulative effects**

The EIA report should include an assessment of the cumulative effects of the proposed development. This should give focus upon and a clear account of cumulative effects as assessed to arise both broadly speaking and with particular attention to the proposal entailing lateral expansion of the warehouse complex and the

consequent scaling up of volumes of hazardous substances stored on-site, and by extension, the assumed lateral expansion of Health and Safety Executive safeguarding exclusion zones in kind so as to accommodate the new phase; the cumulative intensification of potential landscape and visual impact both in regard additional impacts to the site as existing, the potentially closer proximity of receptors such as may be identified, from which such cumulative landscape and visual impacts may be felt consequent to the siting of the expansion; noise, vibration, dust generation and traffic as compounded by the extended workings over and above the existing site and neighbouring operations at Grangestone; and indeed any cumulative landscape and visual impacts considered to arise, or otherwise, consequent to interrelationship between the proposed site as extended and the visual baseline of neighbouring operational and consented windfarms – particularly such as may evolve pursuant to implementation of consented windfarm schemes at Kirk Hill and Tralorg. It may be the case that proposed mitigation measures either prevent or minimise the occurrence of certain / various cumulative effects, in which case such connections between the measures and the nature of the mitigation secured (eg. which impacts and on which environmental factors) should be described.

## **6. Landscape implications**

The EIA report should assess the landscape implications of the proposed development using the most up-to-date methods and best practice and should include a detailed description of the landscape as it currently exists, explicitly inclusive of impacts on the LDP-designated scenic area within which the site wholly sits. It is noted and welcomed that the developer intends an LVIA to form part of the EIA report.

Whilst the complex in its current extent is now operational at the Curragh, further landscape implications arising from the proposal's lateral expansion of works are inevitable. Scottish Natural Heritage have not explicitly commented on landscape impact but it is assumed they likewise welcome the intention for LVIA. This Opinion considers the LVIA should be inclusive of a fully descriptive and mapped account of baseline landscape conditions (including acknowledgement and appropriate response to the LDP-designated Scenic Area coverage) and the assessment methodology should reflect the *Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> ed.* (Landscape Institute / IEMA, 2013). See the consultation response from SAC Biodiversity (responding officer: Mira Bogicevic) (Appendix A) for further information.

The site of the proposed Curragh phase 5 overlaps two Ayrshire Landscape Character Types referenced 17: *Foothills*, and 11: *Lower Dale*, as covering the northern and southern portions of the development footprint respectively. comprising an upland landscape. It occupies an area within an identifiably agrarian landscape within the setting of which the Grangestone Industrial Estate is notably out of character, albeit long-established. SNH landscape assessment (1998) notes the Lower Dale landscape for its distinctly arable character reflective of the high agricultural fertility of the land, in conjunction with the broad and flat nature of its valley floor. relatively sparse, enclosed upland valley floor. Moving inland, this gives way to the Foothills landscape the lower slopes of which maintain a pastoral character, but whose changeable relief is indicative of the eventual transition towards plateau moorland and uplands that takes place with the increasing altitude. Giving consideration to these matters, the LVIA should directly cite this LCT baseline and integrate an assessment of the particular sensitivities of same into its detailed appraisal of likelihood and significance of the proposal's environmental effects upon landscape factors.

In terms of selection of appropriate viewpoints, in addition to generic receptors variously identified by dint of proximity etc the LVIA's purpose in this regard should also cross-refer to identified cultural heritage sensitivities; in particular, HES request that the dun SAM eastward of the site be used as such a viewpoint in order to facilitate full illustration and appraisal of potential impacts had upon its setting by the proposal. In this connection, it is noted that whilst the L-shape plan of the Phase 5 footprint appears to be well-considered in securing mitigation of significant visual impact from users of the B741 and A77(T), it appears that heightened exposure from the SAM may be a consequence of potential significance arising from that proposed layout.

Similarly, SAC Built Heritage (responding officer: David Hearton) (Appendix A) further advises that the B-listed Trochrague House to the immediate south of the proposal locus requires assessment for potential impact upon its setting. This should include its selection as a viewpoint, or else a thorough explanation for its discounting as a viewpoint if nil intervisibility can be demonstrably established beyond doubt.

## **7. Aviation**

There are no aviation concerns associated with this proposal such as would constitute likely significant effects upon environmental factors; this Opinion considers aviation may be scoped out of the EIA Report.

## **8. Nature conservation designations and biodiversity**

It is noted there are no European or National nature conservation designations within or immediately bounding the site and therefore statutory designated sites can be scoped out of the assessment.

However, the local provisionally designated Trochrague wildlife site (#38) sits immediately south of the application site. As the provisional designation interest in this instance comprises breeding birds and mammals hosted by the semi-natural woodland at the locus (thus a migratory rather than a static interest), and given the southwards proposed expansion of the complex development substantially increases both proximity and effecting of a partial 'enclosure' by development around the wildlife site extent; connectivity between and impacts of the proposal upon the provisional site are considered to be highly likely and fairly direct. It is apparent that migratory pathways could be frustrated, closed off and/or otherwise obstructed directly or indirectly by this proposal.

Furthermore, in their own response SNH further note (Appendix A) specific direct and irreversible impacts upon numerous protected species, most notably that the development is considered to entail the destruction of multiple badger setts and that aside from EIA considerations such matters have licensing implications.

On the matter of badgers, SNH require that updated surveys are carried out to encompass a 1km buffer around the proposal boundary, and sets out various methodological components that this survey work should include; and that this survey work should inform the preparation of a Badger Protection Plan comprehensively detailing mitigation and compensatory measures as devised to respond to particular impacts identified. These outputs should be compiled within the EIA Report. Regards other protected species, and in particular bat, otter, water vole and birds, SNH require that further surveys are undertaken in respect of same and in line with their [guidance](#) such as corresponds in each case. SNH expect to see the results of these surveys in the EIA report. Identification of impacts on protected species will warrant a species protection plan in each instance which must form part of the EIA report.

SNH strongly advocate the appointment of an Ecological Clerk of Works (ECoW) and the maintenance of a developmental watching brief to be assumed by same, with a view to overseeing development on site and ensuring that works proceed without causing unnecessary disturbance. The EIA Report should propose and itemise the particulars of such arrangements to be proposed, and identify the mitigation that the consequent ECoW system is expected to secure and in respect of which environmental impacts, upon which environmental media.

SEPA's response (Appendix A) asks that the EIA Report demonstrates how the layout and design of the proposal, inclusive of any associated hardstanding and road layouts, avoids impacts upon wetland or peatland systems present within the site or otherwise exhibiting connectivity to the site.

Additionally, SEPA's response prescribes the undertaking of a Phase 1 habitat survey; in conjunction with which wetland typology guidance as hyperlinked by SEPA should be referenced to help identify all wetland areas. Methodologically, the outputs from this exercise should include spatial representation which overlays proposed development infrastructure onto vegetation interests. Subsequently, any wetlands so identified should be further examined to identify if any comprise groundwater-dependent terrestrial ecosystems (GWDTE). This Opinion wishes to see the EIA Report demonstrate how habitat survey results have informed the design and layout process to avoid direct impacts to and fragmentation of habitats and, where same is unavoidable, Habitat Management Plans setting out restoration and compensation measures should be included in the EIA report.

## **9. Soils**

The application site forms an extension to the warehousing complex, which in and of itself does not contain any prime quality agricultural land – albeit it is suitably fertile to be of arable value, being classified as 3.2 in



agricultural land quality. Much of the damage caused to the wider soil's asset value and productivity has been borne by the loss of the adjacent prime agricultural quality land now occupied by the preceding phases of the warehousing complex as consented some years ago. Hence there are no significant concerns in this regard pertaining to this new proposal, and this aspect of soil protection / agricultural land may be scoped out of the EIA report.

However, the EIA Report should give a detailed account of the cut and fill strategy intended to facilitate the screening bunds proposed as visual impact mitigation; in particular with regard to any net importation of material to the site and a sustainability appraisal of same. In this regard, particular attention should be had to section 8 of the appendix within SEPA's response which in which waste management – in respect of the potential for any waste material proposed for importation into the site for earthworks purposes – is scoped into the scoping requirements which SEPA prescribes for the EIA report. Hence the EIA Report's account of the earthworks proposals should provide a compositional analysis of any waste material both anticipated to be produced on-site as arising from construction works and any waste material component of matter proposed for importation to the site as part of the earthworks strategy.

## **10. Hydrology and hydrogeology**

The EIA report should assess the baseline water environment on site, including groundwater, and identify all aspects of site work that might impact on it and in turn impact those dependent elements of the immediate and neighbouring baseline environment (eg. habitat, etc). Where any water abstraction is proposed SEPA request that the EIA Report explicitly detail the abstraction source and identify if it is public or private. Further details should be provided in line with the bulleted list in SEPA's response.

In particular this Opinion asks that the EIA report features spatial analyses incorporating inter alia, a Site Management Plan identifying pollution prevention / environmental management measures, disruption to GWDTE, and groundwater abstractions. Please refer to the consultation responses from both SNH and SEPA (Appendix A) for more information in this regard.

SEPA prescribe further scoping requirements on the matters of addressing flood risk, surface and foul drainage and proposed engineering of the water environment. Please see their response within Appendix A for full details and methodological requirements. Most importantly, it is noted that SEPA have explicit concern regarding – and do not support – the proposed culverting of the on-site burn; and wish to see mitigation by design iteration such that this proposal element is omitted. Clearly detailed consultation with SEPA is both a precursor and vehicle for any iterative design process on mitigating this particular issue, and the EIA Report should give a full account of that consultation process and the associated analyses that inform a design solution; accompanied by an identification and explanation of the mitigation for the water environment as ultimately secured and manifested by the resulting design.

## **11. Forestry**

The developer's Scoping Report acknowledges that the existing host landscape for the proposal consists of 'open agricultural land with no significant vegetation', but also goes on to state that 'landscaping proposals will be developed to make good the loss of vegetation, linking with existing trees and hedges to enhance ecological value [...]'. Accordingly, clarification should be made within the EIA report to both identify the locus of any consequential losses of specimens and confirmation that same will be minimised, in conjunction with proposals advanced for compensatory and broader landscape screening proposed in respect of the complex phase 5; with particular reference to the proposal footprint overlapping and disrupting a significant extent of a particular field hedgerow the line of which is classified on the ancient woodland inventory.

Notwithstanding, it is further advised that if tree felling/woodland clearance is required as part of the proposed development, the developer should contact Forestry Commission Scotland at an early stage to discuss the Control of Woodland Removal Policy and the implications it may have on the development. This consultation process should highlight the ancient woodland inventory classification of the hedgerow seen to be substantially supplanted by the development footprint per the current proposed layout. Outcomes of this dialogue should be clarified within the EIA Report. Furthermore, where felling is proposed SEPA require the EIA report includes a map identifying boundary felling and proposals for the waste timber.

## **12. Built and cultural heritage resources**

Historic Environment Scotland (HES) welcome the Scoping Report's inclusion of the Cultural Heritage topic area. Craighead Hill dun, a scheduled monument (SM 5784), is the sole HES-remit designated heritage asset within a 1km radius of the site, situated approximately 800m east of the complex phase 5. Additionally, statutorily designated heritage assets within the local authority's remit situated within notable proximity to the site include the Category B-listed Trochrague House (whose curtilage is coterminous with the aforesaid provisional wildlife site) (SAC Built Heritage response refers; see Appendix A). In both cases of the assets quoted above, and as discussed in detail within section 6 of this Opinion, the settings of each asset stand to be potentially affected both by the complex phase 5 itself and the cumulative impact that phase 5 entails over and above the existing Curragh complex; thus the impacts upon their settings, and the significance of such impacts, should be accounted for in the Cultural Heritage appraisal within the EIA report. This appraisal should in turn dovetail with the LVIA's consideration of these same assets as visual receptors.

This Opinion considers that the methodology deployed for the cultural heritage appraisal within the forthcoming EIA report (and as applied to the above-noted assets) should derive from and correspond to the methodology deployed in the predecessor Environmental Statements pertaining the respective predecessor Curragh phases, in the interests of consistency and comparability – and recognising that such consistency and comparability is a necessity for the accurate construction of a robust appraisal of cumulative impacts generated by the phases collectively.

Whilst there are no statutory natural or built heritage designations situated directly within the complex, there are numerous archaeological trigger zones within and adjacent to the site, particularly in line with the course of the burn to which diversions are proposed (NB. this spatial characteristic compounds and further complicates the concerns of SEPA regards this proposed engineering of the water environment), and as clustered around the existing internal road layout from which access will be facilitated to the proposal's 'Phase 5'. It is noted the developer has already anticipated instruction of a cultural heritage impact assessment to inform the EIA Report's Cultural Heritage chapter; this Opinion welcomes same and would expect that initiation of an ongoing dialogue between the approved contractor and West of Scotland Archaeology Service will demonstrably inform this work and the methodologies it employs.

With regard to archaeology, WoSAS observes the 'wealth of buried prehistoric archaeology' at the locus and express acquiescence with the developer's proposal that the Cultural Heritage Appraisal should, in respect of archaeological matters, encompass the results of both desk-based assessment and evaluation through trial trenching. On an additional methodological point their consultation response advises that, less the minor part of the phase 5 application area previously subject to archaeological investigation, the evaluation sample area should comprise 8% of the remaining site area. WoSAS also advise that the re-engagement of the same contractors previously retained for past archaeological work at the Curragh site would best serve to maintain consistency and quality of work given the in-depth knowledge and familiarity acquired from that previous involvement.

## **13. Tourism/recreation and public access resources**

There are no significant concerns in this regard, and such matters may be scoped out of the EIA Report.

## **14. Access issues**

The EIA report should contain details of the access arrangements during the operational life of the site. This process should be used in order to identify any adverse impacts upon the surrounding environment, including the potential for congestion on the surrounding road network and diffuse impacts upon the nearby trunk road network, and any subsequent mitigation measures which could be employed in order to avoid or reduce any potentially adverse effects.

## **15. Traffic and transportation**

The EIA report should assess the impact of vehicular activity associated with the construction of the site upon the public road network in terms of the effects on traffic management, road safety /layout and road condition. The EIA report should contain details of the routes considered for the delivery and export of

construction materials including any importation of bunding fill material, and the impacts upon the road network thereof. The EIA report should address access issues, particularly those impacting upon the trunk road network, potential stress points at junctions and approach roads.

Whilst Transport Scotland advise that they do not engage at scoping stage they confirm they would respond to the subsequent planning application if formally consulted by the planning authority.

#### **16. Noise pollution and air quality**

The EIA report should explore potential impacts upon sensitive receptors in terms of noise and vibration during the entire proposed construction phase(s) of the site. The applicant is advised to give consideration to undertaking a noise impact assessment and vibration assessment as part of the EIA report as this information will be required in support of a consequent planning application. Assessment of same may be confined to construction noise; in line with the SAC Environmental Health consultation response (Appendix A) it is considered acceptable that *operational* noise be scoped out of any assessment.

SAC Environmental Health have not offered comment on the matter of air quality and it is considered acceptable, in the light of no significant environmental impacts upon air quality being predicted by the operation of the proposal, that air quality as an environmental factor may be scoped out of the EIA report.

#### **17. Risk of major accidents and disasters**

Regulation 4(4) of the 2017 Regulations elaborates upon the requirement of EIA Reports to identify, describe and assess the direct and indirect significant effects of the proposed development upon the prescribed suite of environmental factors, such that these considerations must further be explicitly inclusive of the expected effects deriving from the vulnerability of the development to risks (so far as relevant to the development) of major accidents and disasters.

This required consideration appears particularly relevant in respect of multiple aspects of this proposal to which accident and disaster risk pertain including, inter alia, the basic nature of the proposal comprising the substantial intensification of hazardous substance storage further concentrated at this locus (in respect of which HSE safeguarding zones are presently designated and it is presumed would fall to be extended to account for this development); the presence of overhead powerlines traversing the site and the proximity and overlap incidence of the proposal's built footprint thereto; and the presence of high pressure gas pipelines traversing the site and the proximity of the proposal's built footprint thereto.

In sum, the myriad risk for major accident and disaster arising from the development stems both from the intrinsic nature of the proposal itself in so far as it concerns major scale storage of hazardous substances, and the danger that the attendant fire and explosion of this use and these materials risks to human health; as well as the potential interaction of the development with extraneous prior dangers, both subterranean and overhead, also present on the site. Please refer to the consultation responses from the Health and Safety Executive (HSE) and Fire Scotland on the former (proposal-intrinsic) risks, and please initiate your own consultation dialogue with Scotland Gas Networks (SGN) and ScottishPower Energy Networks (SPEN) with regard to the latter matters respectively. This Opinion considers that such dialogue should inform and guide the explicit appraisal of risk of major accidents and disasters that the EIA Report is statutorily bound to provide, as well as offer further detail on the appropriate methodological approaches to same. The EIA Report should demonstrably set out an analytical account of the risk sources described above, including assessment of which of the prescribed environmental factors (Reg 4(3)) they affect, and how such risk has been managed and mitigated in the proposal by way of proposal design, operational management and otherwise.

#### **18. Mitigation and monitoring measures**

With reference to the requirement under regulation 5(3) for the EIA report to contain a description of measures mitigating likely significant adverse effects, the planning authority strongly encourages that the EIA report is structured to include a bespoke chapter itemising all mitigation and monitoring measures – specifically relating to likely significant adverse effects – proposed in the application as submitted, in a consolidated and methodical fashion. This could be presented for example in the form of tabulated lists.

## **19. Consultation responses**

A consultation exercise has been conducted with relevant consultees. All responses received together form Appendix A to this document and represent an integral component of this Opinion. Accordingly the issues raised within each of these responses should be carefully considered and addressed within the EIA report. Responses from the following organisations and services were received:

- ***Historic Environment Scotland (HES)***
- ***Scottish Environment Protection Agency (SEPA)***
- ***Scottish Natural Heritage (SNH)***
- ***Scottish Water***
- Fire Scotland
- Health and Safety Executive
- South Ayrshire Council – Built Heritage
- South Ayrshire Council – Environmental Health
- South Ayrshire Council – Landscape
- South Ayrshire Council – Sustainable Development (Biodiversity)
- West of Scotland Archaeology Service (WoSAS)

## **20. Conclusions**

The content of this scoping opinion makes it clear that there are a number of issues which can be scoped out of the assessment process. The main concerns relate to archaeological sensitivities, potential implications for the water environment (including groundwater) and doubt upon the appropriateness of the proposed engineering of the water environment, landscape and visual impact including those upon statutorily designated heritage interests, and protected species / habitat impact. The consultation responses of HES, WoSAS, SEPA and SNH respectively (Appendix A) are of particular relevance in this regard.

However as highlighted elsewhere within this document there are a number of other environmental issues also relevant to the proposal and the EIA report comprises an opportunity to address these in a proportionate manner.

**Appendix A – Comments received by consultees**



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email to: [planning.development@south-ayrshire.gov.uk](mailto:planning.development@south-ayrshire.gov.uk)**  
South Ayrshire Council  
Planning Development Burns House Burns Statue  
Square Ayr KA7 1UT

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH  
Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)  
Our case ID: 300034618  
23 January 2019

Dear Sir/Madam

[The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)

[The Curragh \(Phase 5\), Wm Grants - Girvan Distillery, Grangestone Industrial Estate, Girvan, South Ayrshire Scoping Report](#)

Thank you for your consultation which we received on 14 January 2019 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

Your local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

### **Proposed Development**

We understand that the proposed development for the Curragh Phase 5 warehouse expansion comprises the construction of 18 new maturation warehouses within the circa 89ha site. I understand that this proposed development is to be phased over a long construction period, which could be upwards of 15 years.

### **Scope of assessment**

We have reviewed the submitted material in terms of our historic environment interests. We note that the scope of the EIA is anticipated to be similar to that for the previous applications. We welcome that the issues to be addressed by the EIA will include the Cultural Heritage topic area. However, no detailed methodology to be used in this assessment has been set out in the Scoping Report and therefore we cannot offer any comments on it.

In terms of sites within our remit, we note that one scheduled monument: *Craighead Hill, dun 380m WNW of (SM 5784)* lies approximately 800m to the east of the proposed warehouses. We would therefore recommend that the potential impacts on the setting of the monument are considered in the EIA assessment, if this dun lies within the proposal's Zone of Theoretical Visibility (ZTV).

**Further information**

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes). Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska and they can be contacted by phone on 0131 668 8653 or by email on [Urszula.Szupczynska@hes.scot](mailto:Urszula.Szupczynska@hes.scot).

Yours faithfully

**Historic Environment Scotland**

Our ref: PCS/163274  
Your  
ref:

If telephoning ask for:

Simon Watt

Ben Horwill  
South Ayrshire Council  
Planning and Building Control  
Burns House  
Burns Statue Square  
Ayr  
KA7 1UT

By email only to: [planning.development@south-ayrshire.gov.uk](mailto:planning.development@south-ayrshire.gov.uk)

08 February 2019

Dear Sir

**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017**  
**The Curragh (Phase 5): 18 warehouses totalling 160,000m<sup>2</sup>**  
**Girvan Distillery, Grangestone Industrial Estate, Girvan, South Ayrshire**

Thank you for consulting SEPA on the scoping opinion for the above development proposal on 14 January 2019.

We have reviewed the submitted Planning Supporting Statement (dated 10 January 2019), inclusive of the accompanying drawings, and consider that the issues set out within Appendix 1 must be addressed through the EIA process. **To avoid delay and potential objection by SEPA** these must be addressed within any subsequent EIA Report.

Please note we **do not support** the '*incremental culverting and diversion of the existing watercourse*'. We expect that the site layout be amended to avoid these works. The EIA Report/planning submission should demonstrate that all reasonable alternatives have been studied and include '*an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment*'. It is our view that developments should be designed to avoid engineering activities in the water environment



and floodplains wherever possible.

## **Regulatory Advice for the Applicant**

### **1. Regulatory Requirements**

- 1.1 As discussed in Appendix 1, a number of elements of the development will be regulated by SEPA. We recommend that the applicant engages in pre application consultation with our local regulatory services team regarding these matters.
- 1.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at 31 Miller Road, Ayr KA7 2AX (Tel: 01292 294 000).

If you have queries relating to this letter, please contact me by telephone on 01698 839 000 or e-mail at [planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk).

Yours faithfully

Simon Watt

Senior Planning Officer  
Planning Service

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).*

## Appendix 1: Scoping Requirements

This appendix sets out our scoping information requirements. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order to avoid delay and potential objection.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed. We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

### 1. Flood risk

- 1.1 The application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year return period) surface water flood extent of the SEPA Flood Map and may therefore be at medium to high risk of flooding. A small watercourse flows through the site for which we hold no flood risk information.
- 1.2 We understand that a “*sequence of incremental culverting and diversion of the existing watercourse will be implemented as the site is developed*”. Scottish Planning Policy (SPP) states that the planning system should promote flood reduction by “*avoiding the construction of new culverts*”. We consider this to be culverting for land gain and given the increased potential flood risk request that the proposal is modified to remove the culverting element of the proposal.
- 1.3 The location plan (Drawing No. PL(0-)001 dated 05 December 2018) shows that the existing small watercourse is proposed to be diverted northwards to enable a further two warehouse units in the development boundary. There appears to be undeveloped land available within the site boundary which would be a preferable location for these two units on flood risk grounds.
- 1.4 As per our stance on culverting for land gain, we are not supportive of watercourse diversion proposals for the purposes of land gain in the absence of a satisfactory justification. The burn should be left in its existing route and the number and/or layout of the warehouse units are revised to negate the requirement to divert the small watercourse. Floodplain avoidance is the cornerstone of sustainable flood risk management, hence our advice to avoid rather than mitigate in the first instance. Should a watercourse diversion be satisfactorily justified through the EIA process, we would also require that the diverted watercourse has the same conveyance capacity as the existing watercourse to ensure there is a neutral effect on flood risk.
- 1.5 On the basis that the proposal involves a watercourse diversion and potential culverting works for which there has been no appropriate justification, we

require the submission of further information to satisfactory justification that the watercourse engineering works are required. The applicant also needs to demonstrate that all other practical options have been looked and discounted for valid reasons through the EIA process. Should the justification prove satisfactory, we also require demonstration that the proposal will have a neutral effect on flood risk. We would be supportive of the revision of the proposals to remove the watercourse diversion and culverting aspects through modification of the layout and/or number of warehouse units.

- 1.6 We also recommend that further investigation into the risk of surface water flooding should be undertaken to ensure that the proposed development will not potentially increase flood risk in the local area. We recommend that the Flood Risk Management Authority comment on their requirements for the management of surface water at the application site including any mitigation measures.
- 1.7 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to South Ayrshire Council as Planning Authority in terms of the said Section 72 (1).

## **2. Engineering Activities in the Water Environment**

- 2.1 The proposed realignment of the watercourse will require an authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). However, in order to meet the objectives of the [Water Framework Directive](#) of preventing any deterioration and improving the water environment, developments should be designed to avoid engineering activities in the water environment wherever possible. We require it to be demonstrated that every effort has been made to leave the water environment in its natural state. Engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams should be avoided unless there is no practicable alternative. Paragraph 255 of SPP deters unnecessary culverting.
- 2.2 As discussed in Section 1, if the engineering works proposed are likely to result in increased flood risk to people or property then a flood risk assessment should be submitted in support of the EIA Report/planning application.
- 2.3 A site survey of existing water features and a map of the location of all proposed engineering activities in the water environment should be included in the ES or planning submission. A systematic table detailing the justification for the activity and how any adverse impact will be mitigated should also be included. The table should be accompanied by a photograph of each affected water body along with its dimensions. Justification for the location of any proposed activity is a key issue for us to assess at the planning stage.

- 2.4 Where developments cover a large area, there will usually be opportunities to incorporate improvements in the water environment required by the Water Framework Directive within and/or immediately adjacent to the site either as part of mitigation measures for proposed works or as compensation for environmental impact. We encourage applicants to seek such opportunities to avoid or offset environmental impacts. Improvements which might be considered could include the removal of redundant weirs, the creation of buffer strips and provision of fencing along watercourses. Fencing off watercourses and creating buffer strips both helps reduce the risk of diffuse water pollution and affords protection to the riparian habitat.

### **3. Pollution Prevention and Control (PPC) Regulations**

- 3.1 The existing site is regulated by SEPA under the Pollution Prevention and Control (Scotland) Regulations (2012) (PPC). Based on the information available it appears that the applicant will require to apply to vary the existing Part A permit to include the additional warehousing and land which is proposed to recognise an extension to the boundary defined in the PPC Permit.
- 3.2 When such an application is submitted it will need to be accompanied by an updated site report for the additional land and, in particular, identifying any substance in or under the land which might constitute a pollution risk. The condition of the site includes the surface soils as well as sub-surface strata and any associated groundwaters. A baseline report will also be required providing soil and groundwater measurements for the site. This information will be required at the application for variation stage in order for SEPA to be able to issue a variation to the PPC permit and allow the new activities to be brought into operation.
- 3.3 In line with [PAN 51](#), we require certain information about a development to be submitted with the planning submission to provide a view on whether the activities are capable of being consented. Our preference is that all the technical information required for all permissions and licences is submitted at the same time as the planning submission. However, it is at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. Further advice on our information requirements is provided in our guidance note [Planning guidance in relation to SEPA-regulated sites and processes](#).

### **4. Control of Major Accident Hazards (COMAH) Regulations 2015 (COMAH)**

- 4.1 The site is currently an upper tier COMAH establishment where the HSE and SEPA are the joint competent authority. The applicant will require to submit a revised environmental risk assessment to take account of the increase in inventory of ethanol. This would not necessarily need to accompany the EIA/planning submission but we would expect details of the surface water drainage system which will be associated with new warehousing complex

together with details on how spillages could be contained.

- 4.2 The additional warehousing will increase the inventory of ethanol held on site. The submission should identify what this will be in order to understand whether the existing Hazardous Substances Consent, issued by the local council, is sufficient to cover the proposed increase in inventory.

## 5. Proposed Site Drainage

- 5.1 The EIA/ planning submission must be supported by a full drainage strategy. This should set out the intended sustainable drainage systems (SUDS) for final phase surface water drainage. Please note, as per Section 4 above, we expect ponds to be sized to cope with potential fire water. The strategy should clarify whether it is intended for SUDS to discharge to the public surface water system or the watercourse on site; we recommend that the former is investigated. As the proposals comprise of a significant development of roofed structures with landscaping implications we recommend that a green roof option be considered as part of SUDS treatment train.
- 5.2 The treatment of surface water runoff by SUDS is a [legal requirement](#) for most forms of development, however the location, design and type of SUDS are largely controlled through planning. We encourage surface water runoff from all developments to be treated by SUDS in line with Scottish Planning Policy (Paragraphs 255 and 268), [PAN 61 Planning and Sustainable Urban Drainage Systems](#), [PAN 79 Water and Drainage](#). Any proposed discharge of surface water to the water environment must also be in accordance with the principles of the SUDS Manual (C753), which was published by CIRIA in November 2015, and comply with CAR. It is therefore important to ensure that adequate space to accommodate SUDS is incorporated within the site layout. Consideration must be given to this matter early in the planning process when proposals are at their most fluid and modifications to layout can be easily made with less expense to the developer.
- 5.3 The design of the drainage system depends on the nature of the proposed development, the size of development, and the environmental risk posed by the development which is principally determined by the available dilution of the receiving waterbody. This must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.
- 5.4 Please note that SUDS which use infiltration will not be suitable where infiltration is through land containing contaminants which are likely to be mobilised into surface water or groundwater. This can be overcome by restricting infiltration to areas which are not affected by contamination, or constructing SUDS with an impermeable base layer to separate the surface water drainage system from the contaminated area. SUDS which do not use infiltration are still effective at treating and attenuating surface water. Please refer to the advice note on [SUDS and brownfield sites](#) for further information.

## 6. Foul Water Drainage

- 6.1 It is our expectation that foul drainage from the site be discharged to the public sewerage system if available. In this regard the applicant should consult with Scottish Water. It is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

## 7. Pollution Prevention and Environmental Management

- 7.1 One of our key interests in relation to major developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. The applicant should, through the EIA process or planning submission, systematically identify all aspects of site work that might impact upon the environment, potential pollution risks associated with the proposals and identify the principles of preventative measures and mitigation. This will establish a robust environmental management process for the development. A draft Schedule of Mitigation should be produced as part of this process. This should cover all the environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects. Please refer to the [Pollution prevention guidelines](#).
- 7.2 A Construction Environmental Management Document is a key management tool to implement the Schedule of Mitigation. We recommend that the principles of this document are set out in the EIA Report outlining how the draft Schedule of Mitigation will be implemented. This document should form the basis of more detailed site specific Construction Environmental Management Plans which, along with detailed method statements, may be required by planning condition or, in certain cases, through environmental regulation. This approach provides a useful link between the principles of development which need to be outlined at the early stages of the project and the method statements which are usually produced following award of contract (just before development commences).
- 7.3 For information, a CAR construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
- is more than 4 hectares,
  - is in excess of 5km, or
  - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application

discussions with a member of the regulatory services team in your local SEPA office.

- 7.4 Below these thresholds, the applicant will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

## 8. Waste Management

- 8.1 We understand that *'an earthworks strategy will be developed to achieve a cut and fill balance within any one phase, thus minimising material off site and consequential traffic movements'*. Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.
- 8.2 The applicants and their contractors should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

## 9. Disruption to Wetlands including Peatlands

- 9.1 If there are wetlands or peatland systems present, the EIA Report or planning submission should demonstrate how the layout and design of the proposal, including any hard standing and roads, avoids impact on such areas.
- 9.2 A Phase 1 habitat survey should be carried out for the whole site and the guidance [A Functional Wetland Typology for Scotland](#), should be used to help identify all wetland areas. National Vegetation Classification should be completed for any wetlands identified. Results of these findings should be submitted, including a map with all the proposed infrastructure overlain on the vegetation maps to clearly show which areas will be impacted and avoided.
- 9.3 Groundwater dependent terrestrial ecosystems, which are types of wetland, are specifically protected under the Water Framework Directive. The results of the National Vegetation Classification survey and Appendix 2 (which is also applicable to other types of developments) of our [Planning guidance on windfarm developments](#) should be used to identify if wetlands are groundwater dependent terrestrial ecosystems. The route of roads, tracks or trenches within 100 m of groundwater dependent terrestrial ecosystems (identified in Appendix 2) should be reconsidered. Similarly, the locations of borrow pits or foundations within 250 m of such ecosystems should be reconsidered. If infrastructure cannot be relocated outwith the buffer zones of these ecosystems then the likely impact on them will require further assessment. This assessment should be carried out if these ecosystems

occur within or outwith the site boundary so that the full impacts on the proposals are assessed. The results of this assessment and necessary mitigation measures should be included in the ES.

- 9.4 For areas where avoidance is impossible, details of how impacts upon wetlands including peatlands are minimised and mitigated should be provided within the ES or planning submission. In particular impacts that should be considered include those from drainage, pollution and waste management. This should include preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, dewatering, excavations, drainage channels, cable trenches, or the storage and re-use of excavated peat. Detailed information on waste management is required as detailed below. Any mitigation proposals should also be detailed within the Construction Environmental Management Document as detailed below.

## 10. Existing Groundwater Abstractions

- 10.1 Roads, foundations and other construction works associated with large scale developments can disrupt groundwater flow and impact on groundwater abstractions. To address this risk a list of groundwater abstractions both within and outwith the site boundary, within a radius of i) 100 m from roads, tracks and trenches and ii) 250 m from borrow pits and foundations) should be provided.
- 10.2 If groundwater abstractions are identified within the 100 m radius of roads, tracks and trenches or 250 m radius from borrow pits and foundations, then either the applicant should ensure that the route or location of engineering operations avoid this buffer area or further information and investigations will be required to show that impacts on abstractions are acceptable. Further details can be found in Appendix 2 (which is also applicable to other types of developments) of our [Planning guidance on windfarm developments](#).

## 11. Water Abstraction

- 11.1 Where water abstraction is proposed we request that the ES, or planning submission, details if a public or private source will be used. If a private source is to be used the information below should be included. Whilst we regulate water abstractions under CAR, we require the following information to determine if the abstraction is feasible in this location;
- Source e.g. ground water or surface water;
  - Location e.g. grid ref and description of site;
  - Volume e.g. quantity of water to be extracted;
  - Timing of abstraction e.g. will there be a continuous abstraction;
  - Nature of abstraction e.g. sump or impoundment;
  - Proposed operating regime e.g. details of abstraction limits and hands off flow;
  - Survey of existing water environment including any existing water



features;

- Impacts of the proposed abstraction upon the surrounding water environment.

11.2 If other development projects are present or proposed within the same water catchment then we advise that the applicant considers whether the cumulative impact upon the water environment needs to be assessed. The EIA Report or planning submission should also contain a justification for the approach taken.

## **12. Air Quality**

12.1 The local authority is the responsible authority for local air quality management under the Environment Act 1995, and therefore we recommend that Environmental Health within the local authority be consulted.

12.2 They can advise on the need for this development proposal to be assessed alongside other developments that could contribute to an increase in road traffic. They can also advise on potential impacts such as exacerbation of local air pollution, noise and nuisance issues and cumulative impacts of all development in the local area. Further guidance regarding these issues is provided in Scottish Planning Specific Advice (2004) available on the Scottish Government's Planning website entitled [Air Quality and Land Use Planning](#).



Scottish Natural Heritage  
Dualchas Nàdair na h-Alba  
nature.scot

Scottish Natural Heritage, Caspian House, Mariner Court,  
Clydebank Business Park, G81 2NR

Mr Ben Horwill  
South Ayrshire Council  
Burns House  
Burns Statue Square  
AYR  
KA7 1UT

Date: 1 February 2019

Our Ref: CNS/DC/SA: CEA163873

Dear Sirs

**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 – Regulation 17  
Request for Scoping Opinion of South Ayrshire Council – Re: The Curragh (Phase 5), William Grants – Girvan Distillery, Grangestone Industrial Estate, Girvan, South Ayrshire**

Thank you for your consultation to Scottish Natural Heritage (SNH) dated 14<sup>th</sup> January 2019 with regards to the above-mentioned proposal.

This proposal is likely to cause adverse effects to protected species; we, therefore, **advise** the following:

**Badgers**

This application will cause the destruction of 4 badger setts and will directly impact upon a further 6, one of which is a main sett with evidence of breeding activity (information on sett locations is as per the most recent survey details shown in 'The Curragh Build Phase 3 & 4: Badger Monitoring Survey Evidence', January 2018 and may have changed). We, therefore, **advise** that the applicant will be expected to apply for the appropriate licences<sup>1</sup>. It should be noted that licences aren't usually granted for works near to badger setts during the breeding period, which runs from 1 December to 30 June.

<sup>1</sup> <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/badgers-and-licensing/badgers-licences-development>

We **advise** that an up to date badger survey should be carried out covering an area of 1km from the boundary of the proposed development site<sup>2</sup>. Clear photographs and maps should be provided to allow us to understand exactly what is proposed under licence and what the impact might be. Photographs should include signs of badger use, the topography of the land surrounding the sett and any features that may be of importance. Most helpful would be a map showing up to date badger setts/signs and territory boundaries overlying the areas to be lost in this phase of development.

We **advise** that a badger protection plan (BPP) should be provided and should detail any mitigation / compensation measures for works within the 30m buffer zone (100m where blasting or piling will take place).

Mitigation for phases 3&4, as agreed by SNH, had included habitat enhancements on areas that are now set to be lost to development under phase 5. It should be noted that this area was identified as being primary foraging ground (as per the revised BPP for phases 3&4). We, therefore, **advise** that mitigation should include updated habitat enhancements.

We also **advise** that an Ecological Clerk of Works (ECoW) should be appointed to oversee the development on site and ensure that works proceed without causing unnecessary disturbance. I would draw your attention to the fact that a main badger sett was destroyed between phases 2&3 and so it is particularly important that the ECoW maintains a watching brief over this development.

### **Other protected species**

Bat, otter, water vole and bird surveys should be carried out in line with our guidance documents<sup>3</sup> and any necessary mitigation methods detailed in a species protection plan.

### **Pre-Construction Surveys**

We note that the development of phase 5 may take up to 15 years. As such, we would expect that pre-construction surveys would be carried out on an ongoing basis. We **advise** that updated surveys are carried out within the 12 month period preceding each development stage. Survey reports should be submitted to us well in advance of development taking place. Surveys should be carried out over the area in which the stage of development is proposed plus a suitable buffer beyond that (these are detailed in our guidance documents). Where 12 months have lapsed between survey and commencement of works then the pre-construction survey for that stage should be repeated. A2849107

<sup>2</sup> Best Practice Badger Survey Guidance Note <https://www.nature.scot/sites/default/files/2018-05/Guidance-Licencing-Best-practice-badger-survey-methodology-%20on%20website.pdf>

<sup>3</sup> <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide>

We **recommend** that the proposed timescales and the corresponding survey schedule should be outlined for our consideration.

We **advise** that walk-over surveys should be carried out immediately prior to development taking place and that the ECoW maintains a watching brief.

Should you wish to discuss this further, please do not hesitate to contact me.

[Fiona.Fisher@nature.scot](mailto:Fiona.Fisher@nature.scot)

Yours faithfully

FIONA FISHER  
Operations Officer  
Ayrshire and Arran  
**Strathclyde and Ayrshire**

18<sup>th</sup> January 2019

South Ayrshire Council  
Burns House Burns Statue Square  
Ayr  
KA7 1UT



Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB  
Development Operations  
Freephone Number - 0800 3890379  
E-Mail -  
DevelopmentOperations@scottishwater.co.uk  
www.scottishwater.co.uk

Dear Ben Horwill

**KA26 Girvan The Curragh Site At  
PLANNING APPLICATION NUMBER: EIA  
OUR REFERENCE: 771649**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

**Water**

There is currently sufficient capacity in the Bradan Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**Foul**

There is currently sufficient capacity in the Girvan Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

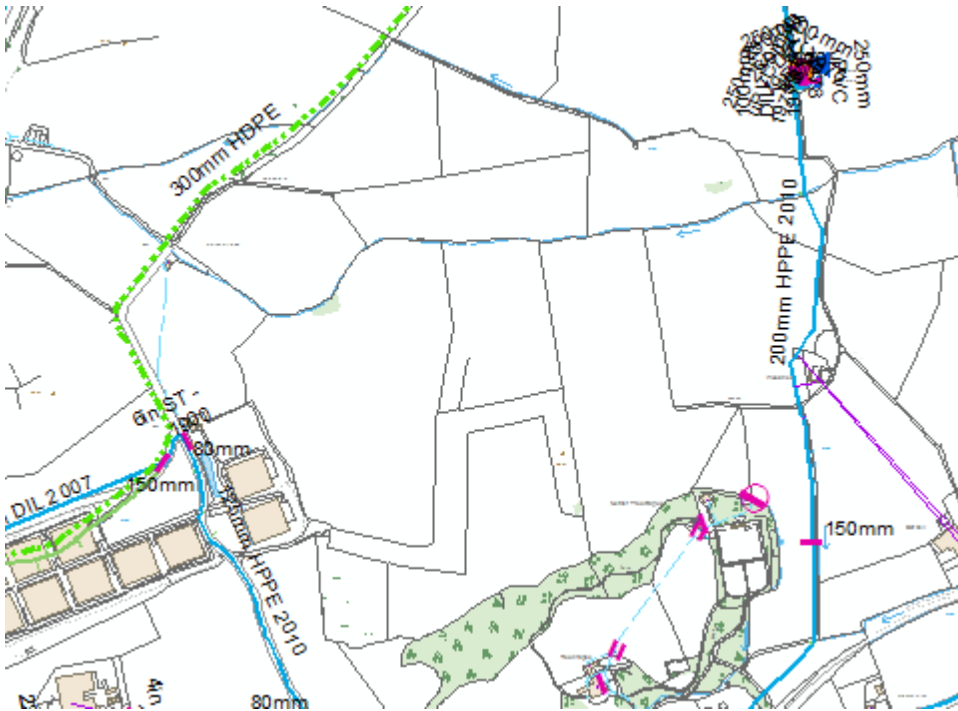
**Infrastructure within boundary**

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at.  
The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction.

### Existing Infrastructure within site

Scottish Water Records indicate that there is a 200mm Water main within the site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. It is your responsibility to accurately locate the position of the pipe on site to ensure that it is not damaged during these works. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.

### GIS Snapshot



### Environmental Impact Team

#### Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

#### Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection

request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

**General notes:**

□ **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>**

**Next Steps:**

□ **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

□ **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

□ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for nondomestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

□ **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link

<https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Holly Henderson**  
**Development Operations Modern Apprentice**  
[Holly.Henderson@scottishwater.co.uk](mailto:Holly.Henderson@scottishwater.co.uk)

**Scottish Water Disclaimer**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



**From:** Hankinson, Kenneth [mailto:Kenneth.Hankinson@firescotland.gov.uk]  
**Sent:** 16 January 2019 14:59  
**To:** Horwill, Ben  
**Cc:** Scott, James; Jackson, Neil; Hughes, Kevin  
**Subject:** RE: Scoping Consultation Request under EIA Regs (2017) Regulation 17

Hi Ben

In response to the scoping consultation request you sent me for William Grants and Sons Distillers I've provided a paragraph below on the Fire Safety standards and further communications the SFRS would request as part of the process;

'SFRS will require the proposed fire safety standards/specification for the warehouses and site to include sprinkler specification, boundary conditions, compartmentation/ separation, water supplies, fire appliance access and the fire safety review/analysis when this is available.

The review/report will require to identify any deviation from guidance provided in Scottish Building Standards Procedural Handbook (Third Edition) and any fire engineered solutions which are employed.

This information must be provided to South Ayrshire Building Standards (SABS) as part of the recognised consultation process. SABS will then consult with SFRS utilising the new process for submission of statutory notices (Due to the request for a single point of communications)

The information should be provided as part of the consultation process to:  
Enforcement Centre, SFRS HQ, Westburn Drive, Cambuslang and contact can be made at;  
[SFRS.EnforcementCentre@firescotland.gov.uk](mailto:SFRS.EnforcementCentre@firescotland.gov.uk)

I hope this is of assistance Ben but please contact me if you require any further details.

Regards  
Kenny

Kenny Hankinson  
Group Manager B  
Head of Prevention & Protection  
East, North and South Ayrshire HQ, Ardrossan, Scottish Fire and Rescue Service

☎: 01294 606833 ☎ 07852226743 /cisco 6833 ✉ [kenneth.hankinson@firescotland.gov.uk](mailto:kenneth.hankinson@firescotland.gov.uk)



**From:** Gerry.Adderley@hse.gov.uk [mailto:Gerry.Adderley@hse.gov.uk]

**Sent:** 07 February 2019 12:22

**To:** Horwill, Ben

**Subject:** RE: Scoping consultation request under EIA Regs (2017) Regulation 17 - : The Curragh (Phase 5), Wm Grants – Girvan Distillery, Grangestone Industrial Estate, Girvan, South Ayrshire

Dear Ben

Thank you for your consultation of 14 January 2019.

Regulation 4 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 requires that the environmental impact assessment 'identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development'; this includes the 'expected effects deriving from the vulnerability of the development to risks, so far as relevant to the development, of major accidents and disasters'.

HSE is in discussions over this new requirement and we want to understand the rationale for the provision of this information, clarity on what such assessments should contain and a clear statement in relation to what statutory consultees are expected to review this material. Until HSE has received this clarification, we can only provide some high level suggestions at this time.

HSE assumes that you have consulted us as the proposed development lies within the consultation distance of a major hazard site and a major hazard accident pipeline. The Girvan Distillery itself is the major hazard site, as it currently holds hazardous substances consent under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 to store up to a specified quantities of flammable liquids and LPG. As the proposed new warehouses will be used to store additional stocks of whisky, it is anticipated that a new application for hazardous substances consent, or an application to modify the existing consent, will be submitted in relation to this proposal; HSE should be consulted for advice on such an application if such an application is received.

This project has the potential to cause a major accident as the proposed development will require hazardous substances consent and the site is currently within the scope of the Control of Major Accident Hazard Regulations 2015 (COMAH). Any submission would need to include relevant information on the extent and severity of hazards from the proposed development, with the potential to impact on local populations, and/or the adjacent major hazard installations. Guidance is available on the scope of the Regulations and the duties imposed by them at <http://www.hse.gov.uk/pubns/books/1111.htm>.

Under GB's health and safety legislation, HSE does not have a role in examining risk or hazard assessments unless the circumstances are covered by specific regulations (e.g. on-shore chemicals sectors where threshold levels of dangerous substances are exceeded). There are no additional requirements for any risk assessments submitted to and approved by the relevant planning authority to also be considered by HSE. However, it may be beneficial for the operator to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

Regards

Gerard Adderley  
Health and Safety Executive  
Chemicals, Explosives and Microbiological Hazards Division  
Statutory and Commercial Land Use Planning Advice  
1.2 Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS  
Tel: 02030 283003

**From:** Hearnton, David

**Sent:** 08 February 2019 12:42

**To:** Horwill, Ben

**Subject:** RE: Scoping consultation request under EIA Regs (2017) Regulation 17

Good afternoon Ben,

Thank you for consulting with me on the above Scoping Request in respect of Phase 5, The Curragh, near Girvan.

In terms of sites falling within the remit of the Council as Planning Authority, Trochrague House, which is listed at Category B, is located approximately 275 metres south of the proposed warehouses, and is separated from the site by an area of ancient and semi-natural woodland. Notwithstanding the presence of this woodland, which acts as a visual buffer between Trochrague House and the site of the proposed warehouses, I would recommend that the potential impacts of the proposals on the character and setting of this listed building are given consideration within the EIA assessment

I trust that the above is of some assistance.

Kind regards,  
David.

David Hearnton MRTPI | Lead Conservation Planner (Development Planning and Customers) |  
Place Directorate | [David.Hearnton@south-ayrshire.gov.uk](mailto:David.Hearnton@south-ayrshire.gov.uk) | Direct Line: 01292 616352 | South  
Ayrshire Council | Burns House, Burns Statue Square, Ayr KA7 1UT | [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

**From:** Seditas, Brian

**Sent:** 28 January 2019 11:27

**To:** Horwill, Ben

**Subject:** FW: Scoping consultation request under EIA Regs (2017) Regulation 17

Dear Ben,

I have reviewed the information sent regarding the scoping report for the above development.

I am satisfied with the scoping report as the only potential impact should be noise from the construction phase.

Regards

Brian

Brian Seditas | Environmental Health Officer | Chief Executive's Office | [brian.seditas@south-ayrshire.gov.uk](mailto:brian.seditas@south-ayrshire.gov.uk) | Direct Line: 01292 616399 | South Ayrshire Council | 3rd Floor, Burns House, Burns Statue Square, Ayr, KA7 1UT | [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

**From:** Bogicevic, Mira

**Sent:** 23 January 2019 11:22

**To:** Horwill, Ben

**Subject:** FW: Scoping consultation request under EIA Regs (2017) Regulation 17

Ben,

Further to the submitted request for a scoping opinion from McLaughlin & Harvey Construction Ltd, on behalf of Wm Grant And Sons Distillers. The proposed Warehouse Expansion lies on the further area of the land formerly known as Curragh Farm.

I have no objections to the proposed Landscaping and Visual Impact Assessment. As suggested in the attached Planning Supporting Statement Rev B, the Assessment would include mitigation measures to address the loss of vegetation, to preserve and connect any existing trees and hedges on and adjacent to the red-line site and also to protect the visual amenity of the area. The applicant should also submit landscape proposals for the red-line site.

Regards,  
Mira

**From:** Cochrane, John

**Sent:** 24 January 2019 09:39

**To:** Horwill, Ben

**Subject:** RE: Scoping consultation request under EIA Regs (2017) Regulation 17

Hi Ben, I don't have much to comment on at this stage but It's good to know the EIA will consider surveys for bats, badgers and breeding birds.

Kind regards

John

John Cochrane | Environmental Strategy Officer | Sustainable Development | Place Directorate |  
[john.cochrane@south-ayrshire.gov.uk](mailto:john.cochrane@south-ayrshire.gov.uk) | Direct Line: 01292 616228 | South Ayrshire Council | Walker Road | Ayr |  
KA8 9LE | [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

### **Ecological Impact Assessment**

Based on the experience at the current Curragh Development it is anticipated that various ecological surveys will be required and the appropriate mitigating measures adopted to minimise the impact off the development.

Subject to SNH agreement it is anticipated that surveys will be required for the following:

- Badger
- Bats
- Breeding Birds

**From:** Robins, Paul (DRS) [mailto:Paul.Robins@glasgow.gov.uk]  
**Sent:** 25 January 2019 14:32  
**To:** Horwill, Ben  
**Subject:** RE: Scoping consultation request under EIA Regs (2017) Regulation 17

Dear Ben,

Thank you for the consultation. I have been involved with this site for many years now and the previous developments have revealed a wealth of buried prehistoric archaeology. I agree with the scoping report produced by the applicant in that the EIA ultimately produced should encompass the results of desk based assessment and evaluation through trial trenching.

FYI - part of the application area has already been investigated archaeologically. The bulk of the area will require fresh evaluation set at a sample size of 8% of the application area (minus that part already done of course).

GUARD Archaeology Ltd have been the preferred archaeological contractor in the past and they would be best placed to continue given their in depth knowledge and familiarity with the area's archaeology and soils.

Regards

Paul



Paul Robins  
Senior Archaeologist  
West of Scotland Archaeology  
Service  
231 George Street, Glasgow, G1 1RX  
Tel: 0141 287 8335 email:  
Paul.Robins@wosas.glasgow.gov.uk



**WoSAS Archaeological Impact Mitigation System – Recipient of a Commendation in Development Management, 2014 Scottish Awards for Quality in Planning**