

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

Scoping Opinion of South Ayrshire Council

for the proposed change of use of agricultural land, and associated works to form caravan site for 40 units at Bennane Shore, erection of reception and sales office, and formation of access road to the north of Ballantrae, South Ayrshire

Scoping Opinion reference:

19/SCO/02

Date of issue:

April 2019



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1. Introduction

South Ayrshire Council received a request on 12th February 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 the proposed change of use of agricultural land, and associated works to form caravan site for 40 units at Bennane Shore, including the erection of reception and sales office, and formation of access road to the north of Ballantrae, 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 28th February 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 'opinion' 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. Site Description

The application site is located approximately 3.5 km south-west of Lendalfoot, and approximately 5 km north-east of Ballantrae, and comprises of an elevated, steeply sloping and elongated coastal promontory strip parallel to, and below the A77 trunk road. The site extends to approximately 1.98 ha inclusive of the site access and waste water outfall. The site comprises of an undeveloped/unimproved portion of grassland/ agricultural land and is characterised by its rugged and (very largely) undeveloped nature, in conjunction with its open coastal aspect providing for expansive vistas in varying directions. The site is not currently accessible to pedestrians or vehicles from the A77. The site is within the Scottish Wildlife Trust designated provisional wildlife site 11 – Ballantrae to Girvan, which cites high botanical interest for its grasslands, and which in turn provide habitat supporting an established breeding colony of fulmar birds. The site is also located immediately adjacent to the Girvan to Ballantrae Coast SSSI which is considered to be of geological significance. On the opposite side of the A77 lies Bennane Head Grassland SSSI.

3. Description of the Development

The site, which is the subject of this scoping opinion, is described above. The development proposal involves the proposed change of use of agricultural land, and associated works to form a caravan site for 40 units, erection of reception and sales office, formation of access road and landscaping. A new

access road directly to/ from the A77 adjacent to the existing lay-by is proposed. The development involves engineering and groundworks to adjust the steeply sloping topography of the site. The sectional drawings demonstrate the removal of material to the south-east of the site and the substantial in-fill of land material to be introduced from outwith the site to achieve land-raising. The engineering work is intended to facilitate the formation of a level building platform, so as to enable the formation of an internal access road and the siting of one and a half rows of caravans (40 in total) with associated decking and parking bays, so as to form a linear and ribbon development extending north-eastwards along the coast. The applicant/ agent consider the proposal to be an extension of Bennane Shore Holiday Park which lies approximately 700 metres to the north-east of the site at its closest points. There are also numerous unrelated private properties which are located on intervening land between the existing holiday park to the north-east and the proposed site.

A previous application 19/00005/APP for the same development was submitted to South Ayrshire Council, but was subsequently withdrawn. On receipt of application 19/00005/APP the Council undertook a screening opinion for the development proposal, and concluded that whilst the development did not qualify as Schedule 1 development under The Regulations, it was considered that the development qualified as EIA development due to having a likely significant effect on the environment which would require the submission of an EIA report. The agent acknowledges that the proposal constitutes EIA development with reference to consideration of the potential impacts, and has elected to submit a scoping request accordingly.

4. 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 (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 (paras. 92-93) 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

Furthermore, SPP subject policy Valuing the Natural Environment (paras. 193-194) asserts the environment to be a valued national asset and expects the planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about the natural environment.

Locally, the LDP identifies the site as lying within the Spatial Strategy Carrick Investment Area, while the accompanying coastal strategy map classifies the stretch of coastline between South Girvan to Ballantrae as being 'undeveloped'. The site is also identified as being within LDP plan-designated Scenic Area, and within the Scottish Wildlife Trust designated provisional wildlife site 11 – Ballantrae to Girvan which cites high botanical interest for its grasslands, and which in turn provide habitat supporting an established breeding colony of fulmar birds. The site is also located immediately adjacent to the Girvan to Ballantrae Coast SSSI which is considered to be of geological significance. As such, the following LDP policies are considered applicable;

- LDP policy: spatial strategy (Carrick investment area)
- LDP policy: the coast
- LDP policy: sustainable development
- LDP policy: tourism
- LDP policy: Galloway and Southern Ayrshire Biosphere
- LDP policy: landscape quality
- LDP policy: protecting the landscape
- LDP policy: natural heritage

- LDP policy: strategic road development

5. Consideration of Alternatives

Regulation 5(2) of the 2017 Regulations requires the EIA report to include information on the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer (relevant to the development and its specific characteristics) and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

6. 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 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 indeed any cumulative landscape and visual impacts considered to arise, or otherwise, consequent to interrelationship between the proposed site and the existing visual baseline. 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.

7. Landscape Implications

In addition to the EIA report, an Landscape and Visual Impact Assessment (LVIA) should be submitted which assesses 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, provisional wildlife site within which the site wholly sits, and also the impact on the SSSI which lies adjacent to the site. The LVIA should also set out mitigation proposals, and shall include appropriate supporting visual information.

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 natural heritage designations affecting the site and the assessment methodology should reflect the current Guidelines for Landscape and Visual Impact Assessment. See the consultation response from SAC Landscape (responding officer: Mira Bogicevic) (Appendix A) for further information.

The site of the development proposal lies within the Raised Beach Coast Ayrshire Landscape Character Type (LCT). SNH Landscape Character Assessment (1998) notes that the post glacial formed raised beach coastline comprises an important feature of the Ayrshire coast, which is formed where areas of higher ground reach the coast and where the raised beach is visible as a level shelf backed by a steep, sometimes craggy escarpment, representing the former cliff-line. In particular, the Landscape Character Assessment (1998) notes that to the south of Girvan, the raised beach coast is more exposed and the cliffline is either unvegetated or colonised by rough grassland or gorse. 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. The LVIA shall include a selection of appropriate viewpoints within the vicinity of the proposed site.

8. 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.

9. Nature Conservation Designations and Biodiversity

The site is within the Scottish Wildlife Trust (SWT) designated provisional wildlife site 11 – Ballantrae to Girvan which cites high botanical interest for its grasslands, and which in turn provide habitat supporting an established breeding colony of fulmar birds. The site is also located immediately adjacent to the Girvan to Ballantrae Coast SSSI which is considered to be of geological significance. On the opposite side of the A77 lies Bennane Head Grassland SSSI.

SWT note the potential for the proposals to affect the integrity of the Bennane Head Grasslands SSSI and adjacent Ballantrae to Girvan provisional Wildlife Site. SWT note the botanical interest of the grasslands, in particular the potential for green winged orchids to be present within and adjacent to the site. SWT therefore conclude that it is essential that the EIA includes a detailed botanical survey of the proposed development site and the surrounding area, carried out during the flowering season for the orchids and other important plants.

Scottish Natural Heritage (SNH) concur that the site is known to have some botanical interest, and confirms that the 2006 National Vegetation Classification (NVC) survey of Girvan to Ballantrae Coastal Section indicates that the land on this coastal area contains a diversity of species. Therefore, the site is likely to have local or regional importance for both its flora and fauna. SNH also consider that the site, which appears to be semi or unimproved grassland; as such, may have interest in its own right as Priority Biodiversity Action Plan (BAP) habitat or habitat reverting to such or as part of a network of habitats allowing dispersal of plants and animals between the two adjacent SSSI. Therefore, SNH confirm the need for an NVC level survey to be carried out so as to identify any Priority SAP habitats or any areas in the process of reverting to Priority SAP habitat. The Bennane Head SSSI contains a number of rare and important grassland species including the only known Scottish site for green-winged orchid. As such, the NVC should contain details of the NVC

communities identified including a detailed description of each community, the species present and the relative abundances of those species. This assessment will allow consideration of any species specific interest and/or spread of important plant species from the adjacent SSSI. SNH also recommend that the extent of land covered by an NVC level survey should encompass other land within the applicant's control, including, the adjacent area outlined in blue on the location plan, in order to identify the potential scope for mitigation.

With regard to potential habitat presence within the site, both SNH and SWT welcome submission of habitat surveys which should include the potential for protected species to be present within the site. SWT confirm that historically Fulmars, which are amber listed in the current list of Birds of Conservation Concern (BoCC4), have nested close to the site. Consequently, SWT confirm that the area should be checked for nesting birds and if so, the risk of disturbance assessed. SNH also suggest that other known bird interests around the site include peregrines. The RSPB has also offered comment on the submitted scoping information, which considers that the submitted information is very general and gives little indication as to how the surveys will be carried out and how the potential impacts will be assessed. The RSPB confirm that the surveys should be carried out by qualified ornithologists using standard methodology, and that the Environmental Statement should present the findings of the surveys and present an assessment of the likely impacts of the proposed development on any notable populations or species. Given the location of the site, the RSPB confirm that the surveys should also focus on breeding birds, including raptors.

SWT also note the potential for the engineering works, and ground raising to affect the plant communities in the SSSI, and therefore recommends that the EIA should address the source of the infill material and its nature.

10. Soils and Geology

SNH highlight the potential for the proposals to indirectly affect the interest features of the adjacent SSSI, and consider that there is a need for more information on the potential impacts of the development. In particular, SNH identify the potential for both materials used in the development of the site and waste materials to encroach upon the SSSI rock exposure, which could lead to the loss of access and visibility through obscuring rock exposure. Therefore, SNH highlight the need for detailed mitigation proposals relating to the storage of new materials and the disposal of old materials on and from the site.

SNH also note that an underground sewage treatment and outfall pipe are located to the north-east of the site and outwith the SSSI, however, SNH seek the submission of detailed drainage plans, and also any details of coastal defence measures proposed in order to consider if the drainage measures have the potential to have a detrimental effect on geological exposure.

The EIA Report should give a detailed account of the cut and fill strategy intended to facilitate the engineering and ground raising works; 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 SEPA's response and accompanying appendix be scoped into the scoping requirements which SEPA prescribes for the EIA report.

SWT also note the potential for the engineering works, and ground raising to affect the plant communities in the SSSI, and therefore recommends that the EIA should address the source of the infill material and its nature.

11. Hydrology and Hydrogeology

SEPA has confirmed the need for an EIA to address the matters noted below, and prescribe further scoping requirements after detailed consideration of the following issues;

- a) Map showing assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment and details of any related CAR applications.
- b) Map showing assessment of all impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.
- c) Map showing assessment of all impacts upon groundwater abstractions and buffers.
- d) Map and site layout of borrow pits.
- e) Schedule of mitigation including pollution prevention measures.
- f) Borrow Pit Site Management Plan of pollution prevention measures.
- g) Map of proposed waste water drainage layout.
- h) Map of proposed surface water drainage layout.
- i) Map of proposed water abstractions including details of the proposed operating regime.

Further details on these information requirements and the form in which they must be submitted can be found in the appendix attached to SEPA's response.

With regard to foul drainage, SEPA note that the proposed development is to discharge into the Troax Burn on the shore at Troac Bridge, rather than crossing the shore which has a SSSI designation and discharging into the sea. Troax Burn is a small watercourse with limited available dry weather flow dilution and any discharge at this location would require a very high level of treatment. The applicant will need to provide flow data as part of any CAR licence application, and based on the information provided SEPA are unable to confirm if the proposed strategy would gain consent. Accordingly, the EIA report should provide flow data for the Troax Burn for consideration by SEPA.

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.

SNH acknowledge that the site is located outwith the SSSI, however, SNH note the potential for the development to inadvertently and potentially detrimentally impact on the SSSI through geological exposure, and request that the EIA considered the following potential impact of the development:

- Detailed drainage plans;
- Coastal defence plans;

SWT note the potential for hydrological changes due to the infill, and risk of compaction from heavy machinery, which should also be assessed within the EIA.

12. Forestry

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

13. Built and Cultural Heritage Resources

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

14. Tourism/Recreation and Public Access Resources

SNH have identified a need for details of the measures that will be implemented to prevent restricted visitor access to the adjacent globally significant rock exposures within an EIA.

15. Access Issues

The EIA report should contain details of the vehicular and pedestrian access arrangements during the operational life of the site, including the access path to the north-east 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 adjacent trunk road network, and local path network, and any subsequent mitigation measures which could be employed in order to avoid or reduce any potentially adverse effects.

16. 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/ infill 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

17. Noise Pollution and Air Quality

SAC Environmental Health have identified their agreement to the methodologies and topics to be covered by an EIA.

18. 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 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.

19. 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.

20. 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**
- **Transport Scotland**
- **Scottish Wildlife Trust**
- **RSPB**
- **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)**

21. 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.

Appendix A - Comments received by consultees



HISTORIC
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By email to:
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

Our case ID: 300035923

14 March 2019

Dear Mr Love

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

Bennane Shore by Ballantrae
EIA Scoping Report

Thank you for your consultation which we received on 28 February 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).

The West of Scotland Archaeology Service (WoSAS) 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

I understand that the proposals comprise the placement of 40 static holiday caravans as an extension to the Bennane Shore Holiday Park, south of Lendalfoot.

Scope of assessment

We confirm that there are no heritage assets within our remit within the proposed development site. Whilst there are some such assets in the vicinity of the proposed development, we are content that significant impacts on the setting of these are unlikely for our statutory interests. On this basis we would be content for historic environment assets within our statutory remit to be scoped out of the assessment.

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 Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

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[historic-environment-guidance-notes](http://conservation.historic-scotland.gov.uk/). 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 Alison Baisden and they can be contacted by phone on 0131 668 8575 or by email on Alison.Baisden@hes.scot.

Yours sincerely

Historic Environment Scotland

Our ref: PCS/164141
Your ref:

If telephoning ask for:
David Allan

20 March 2019

Fiona Sharp
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

Dear Ms Sharp

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Scoping Opinion: Proposed change of use of agricultural land to form caravan site, Bennane Shore, by Ballantrae

Thank you for your consultation email which SEPA received on 28 February 2019.

Advice for the planning authority

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application.

While all of the issues below should be addressed in the Environmental Statement (ES), there may be opportunities for some of these to be scoped out of detailed consideration. The justification for this approach in relation to specific issues should be set out within the ES. We would welcome the opportunity to comment on the draft ES. Please note that we can process files only of a maximum size of 25MB and therefore, when the ES is submitted, it should be divided into appropriately sized and named sections.

- a) Map showing assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment and details of any related CAR applications.
- b) Map showing assessment of all impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.



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- c) Map showing assessment of all impacts upon groundwater abstractions and buffers.
- d) Map and site layout of borrow pits.
- e) Schedule of mitigation including pollution prevention measures.
- f) Borrow Pit Site Management Plan of pollution prevention measures.
- g) Map of proposed waste water drainage layout.
- h) Map of proposed surface water drainage layout.
- i) Map of proposed water abstractions including details of the proposed operating regime.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following section which can help the developer focus the scope of the assessment.

1. Flood Risk

- 1.1 We have previously been consulted on proposals at this site (PCS/163140) and recommend our current response is read in conjunction with our previous comments. We have now received an EIA scoping opinion request and make the following comments on this submission.
- 1.2 As the site is elevated above the coastline on a cliff top, at an elevation greater than 40m AOD, we have no concerns with regards to coastal flooding of the proposals. We are therefore satisfied with flood risk being scoped out of the environmental assessment.

Caveats & Additional Information for Applicant

- 1.3 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>.
- 1.4 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf>. Please note that this document should be read in conjunction with Policy 41 (Part 2).
- 1.5 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>.

- 1.6 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 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). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

2. Foul Drainage

- 2.1 It is noted that the foul drainage arising from the development is to discharge into the Troax Burn on the shore at Troac Bridge, rather than crossing the shore which has a SSSI designation and discharging into the sea. This is a small watercourse with limited available dry weather flow dilution and any discharge at this location would require a very high level of treatment. The applicant will need to provide flow data as part of any CAR licence application, and based on the information provided we are unable to confirm if the proposed strategy would gain consent.

Regulatory advice for the applicant

3. Regulatory requirements

- 3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 3.3 A Controlled Activities Regulations (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.

- 3.4 Below these thresholds you 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. The detail of how this is achieved may be required through a planning condition.
- 3.5 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 294000

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

Yours sincerely

David Allan
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 this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar 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 or similar 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. For planning applications, 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 on our website planning pages.

Appendix 1: Detailed 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. Site layout

1.1 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

2. Engineering activities which may have adverse effects on the water environment

2.1 The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:

- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
- b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.
- c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.

2.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.

- 2.3 Further advice and our best practice guidance are available within the water engineering section of our website. Guidance on the design of water crossings can be found in our Construction of River Crossings Good Practice Guide.
- 2.4 Refer to Appendix 2 of our Standing Advice for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our Technical flood risk guidance for stakeholders outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to Controlled Activities Regulations (CAR) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities.

3. Disturbance and re-use of excavated peat and other carbon rich soils

- 3.1 Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments must aim to minimise this release."
- 3.2 The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO₂ and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.
- 3.3 The submission must include:
- a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.
 - b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.
- 3.4 To avoid delay and potential objection proposals must be in accordance with Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste and our Developments on Peat and Off-Site uses of Waste Peat.
- 3.5 Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.

3.6 Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

4.1 GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:

- a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.

4.2 Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice and the minimum information we require to be submitted.

5. Existing groundwater abstractions

5.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:

- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

5.2 Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice on the minimum information we require to be submitted.

6. Forest removal and forest waste

6.1 Key holing must be used wherever possible as large scale felling can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality. The supporting information should refer to the current Forest Plan if one exists and measures should comply with the Plan where possible.

- 6.2 Clear felling may be acceptable only in cases where planting took place on deep peat and it is proposed through a Habitat Management Plan to reinstate peat-forming habitats. The submission must include:
- a) A map demarcating the areas to be subject to different felling techniques.
 - b) Photography of general timber condition in each of these areas.
 - c) A table of approximate volumes of timber which will be removed from site and volumes, sizes of chips or brash and depths that will be re-used on site.
 - d) A plan showing how and where any timber residues will be re-used for ecological benefit within that area, supported by a Habitat Management Plan. Further guidance on this can be found in Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS.

7. Borrow pits

- 7.1 Scottish Planning Policy states (Paragraph 243) that "Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place." The submission must provide sufficient information to address this policy statement.
- 7.2 In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 Controlling the Environmental Effects of Surface Mineral Workings (PAN 50) a Site Management Plan should be submitted in support of any application. The following information should also be submitted for each borrow pit:
- a) A map showing the location, size, depths and dimensions.
 - b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
 - c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
 - d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
 - e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.

- f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
- g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
- h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO₂.
- i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

8. Pollution prevention and environmental management

- 8.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to Guidance for Pollution Prevention (GPPs).

9. Life extension, repowering and decommissioning

- 9.1 Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with SEPA Guidance on the life extension and decommissioning of onshore wind farms. Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.
- 9.2 The submission needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.



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

Ms Fiona Sharp
South Ayrshire Council
Burns House
Burns Statue Square
AYR
KA7 1UT

Date: 13 March 2019
Our Ref: CNS/DC/SA: CEA154517

Dear Sirs

**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 - Regulation 17
Request for Scoping Opinion of South Ayrshire Council re. proposed change of use of agricultural land to form caravan site at Bennane Shore, by Ballantrae**

Thank you for your consultation to Scottish Natural Heritage (SNH) dated 28th February 2019 with regards to the above mentioned scoping request.

The proposed site lies within an area of land between two Sites of Special Scientific Interest (SSSI's). On the seaward side, the coastal slopes are part of the Girvan to Ballantrae Coast Section SSSI, which has been designated for its geological features to the east of the proposed site, on the opposite side of the A77, lies Bennane Head Grassland SSSI. Features of this site include lowland neutral grassland and Green-winged orchid (*Orchis morio*).

Geology

Whilst the proposed development as outlined does not appear to affect the interest features of the SSSI directly, there is the potential for inadvertent issues arising. We would, therefore, like to see more information on the following potential impacts of the development.

There is the potential for both materials used in the development of the site and waste materials to encroach upon the SSSI rock exposure. This could lead to the loss of access and visibility through obscuring rock exposure. We would, therefore, like to see detailed mitigation proposals relating to the storage of new materials and the disposal of old materials on and from the site.

We note that an underground sewage treatment and outfall pipe are located to the NE of the site and outwith the SSSI, however, we would appreciate the chance to view some detailed drainage plans. We would also welcome the chance to view any coastal defence plans. Ancillary development such as these have the potential to have a detrimental effect on geological exposure.

We/

*Scottish Natural Heritage, 31 Miller Road, Ayr, KA7 2AX: Tel No: 01292 270760: nature.scot
Dualchas Nàdair na h-Alba, 31 Rathad a' Mhùllneir | Inbhir Àir | KA7 2AX: Fòn: 01292 270760
nature.scot – Connecting People and Nature in Scotland - [@nature_scot](https://twitter.com/nature_scot)*

A2880502

We would like to see details on the measures that will be implemented to prevent restricted visitor access to these globally significant rock exposures.

Ecology

The proposed site is known to have some botanical interest. The 2006 National Vegetation Classification (NVC) survey of Glrvan to Ballantrae Coastal Section indicates that the land on this coastal area contains a diversity of species. Although the site has not been identified as important for its vegetation, it is likely to have local or regional importance for both its flora and fauna. Whilst we have no information on the vegetation cover of the proposed development site, aerial photographs suggest that it may be semi or unimproved grassland; as such, it may have interest in its own right as Priority Biodiversity Action Plan (BAP) habitat or habitat reverting to such or as part of a network of habitats allowing dispersal of plants and animals between the two adjacent SSSI.

We note from section 4.3 of the request for scoping opinion document (Alan Neish, Feb 2019) that it is intended to carry out a habitat survey. In order to assess the impact of the proposed development, SNH advise that an NVC level survey is carried out to identify any Priority BAP habitats or any areas in the process of reverting to Priority BAP habitat. The Bennane Head SSSI contains a number of rare and important grassland species including the only known Scottish site for green-winged orchid. As such, the NVC should contain details of the NVC communities identified including a detailed description of each community, the species present and their relative abundances of those species. This will allow the assessment of any species specific interest and/or spread of important plant species from the adjacent SSSI.

If planning consent were to be issued, SNH would wish to encourage a Habitat Management Plan for this plus other land within the applicant's control. We would, therefore, recommend that an NVC survey of the wider landholding (outlined in blue on the location plan) is carried out to identify potential scope for mitigation.

Also noted from the scoping document is the intention to carry out bird surveys. We would welcome this due to the known bird interests around the site including fulmar and peregrine.

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

Yours faithfully

FIONA FISHER
Operations Officer
Ayrshire and Arran
Strathclyde and Ayrshire

5th March 2019

South Ayrshire Council
Development & Environment Burns House
Burns Statue Square
Ayr
KA7 1UT



**Scottish
Water**
Trusted to serve Scotland

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Fiona Sharp

**KA26 Lendalfoot Bennane Shore Park Site At
PLANNING APPLICATION NUMBER: 19/SCR/01
OUR REFERENCE: 773828**

**PROPOSAL: Request for Scoping Opinion of South Ayrshire Council re. proposed
change of use of agricultural land to form caravan site at Bennane Shore, by
Ballantrae**

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 Penwhapple 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

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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.

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 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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
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-your-property/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 non-domestic 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.
- **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 laundrettes. 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 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/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-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

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.

Yours sincerely

Angela Allison
Angela.Allison@scottishwater.co.uk

Ms Fiona Sharp
South Ayrshire Council Planning Service
Burns House
Burns Statue Square
Ayr
KA7 1UT

Your ref:

Our ref:
TS00538

Date:
08/03/2019

fiona.sharp@south-ayrshire.gov.uk

Dear Sirs,

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017 - REGULATION 17**

**REQUEST FOR SCOPING OPINION OF SOUTH AYRSHIRE COUNCIL RE. PROPOSED
CHANGE OF USE OF AGRICULTURAL LAND TO FORM CARAVAN SITE AT BENNANE
SHORE, BY BALLANTRAE**

With reference to your recent consultation request on the above development, I wish to inform you that from 1st October 2015, planning authorities are no longer required to consult with Scottish Ministers on EIA development.

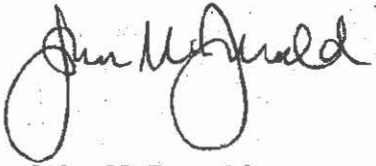
Historic Scotland has merged with Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) to form Historic Environment Scotland (HES). HES is named as both a statutory consultee in the planning system and as a consultation body for Environmental Impact Assessment (EIA) purposes. Planning authorities are required to make their own arrangements for consulting HES directly on EIA development. Further information on these wider changes can be found in Historic Environment Circular 1.

In light of the above changes, the Scottish Government has taken the opportunity to streamline EIA consultation arrangements such that Transport Scotland will no longer respond to EIA consultations in a statutory capacity. Planning Authorities must, however, continue to consult Transport Scotland on applications where required by Regulation 25 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. These consultations should be sent to Transport Scotland's Development Management Team.

It should be stressed that this response relates only to the EIA consultation. I note, however, that the application includes a proposed new access on to the A77(T), therefore, Transport Scotland will require to be consulted on the planning application for this development. A separate response by means of a TRNPA2 will be issued once formally consulted.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact myself on 0141 272 7386.

Yours faithfully



John McDonald

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.



16, Kilburn Water,
Largs.
KA30 8ST

Tel: 01475 672568
Email: rhissett@hotmail.com

22nd March 2019

Fiona Sharp,
Planning Dept.
South Ayrshire Council.

Dear Fiona

19/SCR/01 Request for scoping opinion for an EIA for the proposed change of use of agricultural land to form caravan site at Bennane shore by Ballantrae.

Thank you for consulting the Scottish Wildlife Trust on this matter.

The Trust's main concern in relation to this proposed development is for the integrity of the Bennane Head Grasslands SSSI and adjacent Ballantrae to Girvan provisional Wildlife Site.

SNH's citation for the SSSI is based on the botanical interest of the neutral grasslands. Perhaps the most important feature is that this is the only known site in Scotland for Green-winged Orchid. Furthermore Field Gentian, Fragrant and Frog Orchids, Meadow Saxifrage and many other noteworthy plants have also been recorded in the SSSI. It is therefore essential that the EIA includes a detailed botanical survey of the proposed development site and surrounding area, carried out during the flowering season for the orchids and other important plants.

The initial planning application for this development included infilling part of the site to raise the ground level. The EIA should address the source of infill material, its nature and the possibility of it affecting the plant communities in the SSSI. The possibility of hydrological changes due to the infill; and the risk of compaction from heavy machinery should also be assessed.

In the past, Fulmars have nested close to the site. Fulmars are amber listed in the current list of Birds of Conservation Concern (BoCC4). The area should be checked to see if they are still nesting nearby and if they are, the risk of disturbance assessed.

Patron HRH The Prince Charles, Duke of Rothesay Chairman Linda Rosborough Chief Executive Jonathan Hughes

Scottish Wildlife Trust Harbourside House 110 Commercial Street Edinburgh EH6 6NF
T 0131 312 7765 F 0131 312 8705 E enquiries@swt.org.uk W www.swt.org.uk

The Scottish Wildlife Trust is a company limited by guarantee and registered in Scotland (registered no. SC040247). It is also a Scottish registered charity (charity no. SC005792)

Protecting Scotland's wildlife for the future

The site will presumably require a system for wastewater treatment. The method proposed will need to be assessed for any threats there might be to adjacent plant communities during periods of heavy rain or if there is a blockage or other malfunction in the treatment system.

As always the EIA should also include checks for any protected species.

If you wish any further information on any of these points don't hesitate to contact me.

Yours sincerely

R. Hissett
On behalf of SWT Ayrshire.

Patron HRH The Prince Charles, Duke of Rothesay **Chairman** Linda Rosborough **Chief Executive** Jonathan Hughes

Scottish Wildlife Trust Harbourside House 110 Commercial Street Edinburgh EH6 6NF
T 0131 312 7765 F 0131 312 8705 E enquiries@swt.org.uk W www.swt.org.uk

The Scottish Wildlife Trust is a company limited by guarantee and registered in Scotland (registered no. SC040247).
It is also a Scottish registered charity (charity no. SC005792)

Sharp, Fiona

From: Toby Wilson <Toby.Wilson@rspb.org.uk>
Sent: 27 March 2019 09:46
To: Sharp, Fiona
Subject: RE: Scoping consultation request under EIA Regs (2017) Regulation 17

Dear Ms Sharp

Thank you for consulting RSPB Scotland on the Scoping Request for the proposed caravan site at Bennane Shore, by Ballantrae.

We note that the Scoping Report is very light in detail and gives little indication of how any surveys will be carried out and how potential impacts will be assessed.

We concur with the recommendation in the screening opinion (4.3) that Breeding Bird Surveys should be undertaken. The surveys should be carried out by qualified ornithologists using standard methodology. The Environmental Statement should present the findings of the surveys and present an assessment of the likely impacts of the proposed development on any notable populations or species. Given the location of the site, surveys should also focus on breeding raptors.

I hope these comments are useful. Please do not hesitate to contact me should you require further information or explanation.

Regards

Toby

Toby Wilson

Senior Conservation Officer

South and West Scotland Regional Office RSPB Scotland, 10 Park Quadrant, Glasgow G3 6BS

Tel 0141 3319096

Mobile 07813125295

Please note that I do not work on Fridays

rspb.org.uk

Let's give nature a home in Scotland



RSPB Scotland is part of the RSPB, the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: Sharp, Fiona

Sent: 28 February 2019 10:42

To: 'HMConsultations@hes.scot' ; 'planning.sw@sepa.org.uk' ; 'strathclyde_ayrshire@nature.scot' ; 'Planning Consultations' ; 'ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org' ; Environmental Health ; Bogicevic, Mira ; 'WosasEnquiries@glasgow.gov.uk' ; Johnstone, Jim ; Jarvie, Lorna ; Cochrane, John ; Glasgow ; 'development_management@transport.gov.scot' ; 'swtaylorshire@gmail.com' ; Hearton, David ;

Sharp, Fiona

From: Hearton, David
Sent: 14 March 2019 14:46
To: Sharp, Fiona
Subject: RE: Scoping consultation request under EIA Regs (2017) Regulation 17

Good afternoon Fiona,

Thank you for consulting with me on the Scoping request in respect of the proposed change of use of agricultural land to form a caravan site at Bennane Shore, by Ballantrae.

I am satisfied that the proposals will not impact negatively on the character or setting of designated historic assets. Whilst Sawney Bean's Cave (Balcreuchan Port), which is located immediately south-west of the site, is not designated, it is noteworthy in terms of local folklore. However, the effects of the proposals on Sawney Bean's Cave are not considered significant for EIA purposes.

I trust that the above is of some assistance.

Kind regards,
David.

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

From: Sharp, Fiona
Sent: 28 February 2019 10:42
To: 'HMConsultations@hes.scot'; 'planning.sw@sepa.org.uk'; 'strathclyde_ayrshire@nature.scot'; 'Planning Consultations'; 'ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org'; Environmental Health; Bogicevic, Mira; 'WosasEnquiries@glasgow.gov.uk'; Johnstone, Jim; Jarvie, Lorna; Cochrane, John; 'Glasgow@rspb.org.uk'; 'development_management@transport.gov.scot'; 'swtayrshire@gmail.com'; Hearton, David; 'ali.mann@freeuk.com'
Subject: Scoping consultation request under EIA Regs (2017) Regulation 17

Dear Sir / Madam,

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 - Regulation 17 Request for Scoping Opinion of South Ayrshire Council re. proposed change of use of agricultural land to form caravan site at Bennane Shore, by Ballantrae

South Ayrshire Council has received a request for a scoping opinion from Alan Neish Consulting Ltd (on behalf of the operators of Bennane Shore Holiday Park, by Ballantrae) under Regulation 17 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 in respect of the proposed change of use of agricultural land, and associated works to form caravan site for 40 units at Bennane Shore, erection of reception and sales office, and formation of access road to the north of Ballantrae.

Under the terms of the aforementioned Regulations, the Council must consult with an appropriate range of consultees, to include the consultation bodies as identified by Regulation 2, before issuing the scoping opinion. I have attached a scoping report (dated 12/02/19) which has been prepared by the agent on behalf of the applicant. This sets out the range of issues which they propose to cover within the EIA Report and the methodologies which they consider to be appropriate.

Sharp, Fiona

From: Seditas, Brian
Sent: 05 March 2019 09:48
To: Sharp, Fiona
Subject: FW: NEW SERVICE REQUEST - FW: Scoping consultation request under EIA Regs (2017) Regulation 17
Attachments: Formal Request for Scoping Opinion re a proposed extension to Bennane Shore Holiday Park near Lendalfoot(EIA Screening Opinion ref 19/SCR/01)

Dear Fiona,

This service has no issues with the methodologies and topics covered within the EIA report as submitted for the Scoping Opinion for the Bennane Shore Holiday Park

Regards

Brian

From: Sharp, Fiona
Sent: 28 February 2019 10:42
To: 'HMConsultations@hes.scot'; 'planning.sw@sepa.org.uk'; 'strathclyde_ayrshire@nature.scot'; 'Planning Consultations'; 'ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org'; Environmental Health; Bogicevic, Mira; 'WosasEnquiries@glasgow.gov.uk'; Johnstone, Jim; Jarvie, Lorna; Cochrane, John; 'Glasgow@rspb.org.uk'; 'development_management@transport.gov.scot'; 'swtaylorshire@gmail.com'; Hearton, David; 'ali.mann@freeuk.com'
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This e-mail is formally seeking the views of your department / authority in respect of the proposed methodologies and in terms of your consideration as to the main effects of the proposed development (particular to your remit), and consequently the topics on which the EIA Report should focus.

Please note that under paragraph-17(6) of the Regulations, the Council is required to issue a scoping opinion. I would therefore politely request that you respond to this consultation by **Wednesday, 20th March 2019** in order for me to prepare and issue a consolidated scoping opinion within the allotted time.

Sharp, Fiona

From: Bogicevic, Mira
Sent: 18 March 2019 09:13
To: Sharp, Fiona
Subject: FW: Scoping consultation request under EIA Regs (2017) Regulation 17
Attachments: Formal Request for Scoping Opinion re a proposed extension to Bennane Shore Holiday Park near Lendalfoot(EIA Screening Opinion ref 19/SCR/01)

Fiona,

Further to the above attached application for the development of additional 40 static holiday caravans to extend the existing Bennane Shore Holiday Park, I can advise as follows.

The red-line site is located adjacent to Ballantrae Coast Section SSSI and to the Bennane Grasslands SSSI. Formerly used as agricultural land, the area is currently covered in gorse, grass and comprises a belt of coniferous trees.

In order to identify the effects of the proposed new development on views and the surrounding landscape itself, the applicant should carry out Landscape and Visual Impact Assessment (LVIA), as these effects can be quite different. Mitigation proposals should also be incorporated in order to avoid and compensate for any negative effects. A photo montage and visualisation would help with appropriate design as well as mitigation measures.

Regards,
Mira

From: Sharp, Fiona
Sent: 28 February 2019 10:42
To: 'HMConsultations@hes.scot'; 'planning.sw@sepa.org.uk'; 'strathclyde_ayrshire@nature.scot'; 'Planning Consultations'; 'ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org'; Environmental Health; Bogicevic, Mira; 'WosasEnquiries@glasgow.gov.uk'; Johnstone, Jim; Jarvie, Lorna; Cochrane, John; 'Glasgow@rspb.org.uk'; 'development_management@transport.gov.scot'; 'swtaylorshire@gmail.com'; Hearton, David; 'ali.mann@freeuk.com'
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Sharp, Fiona

From: Cochrane, John
Sent: 20 March 2019 08:39
To: Sharp, Fiona
Subject: RE: Scoping consultation request under EIA Regs (2017) Regulation 17

Hi Fiona, sorry for the delay in getting back to you.

With regards to: 4.Likely significant effects on the environment.

The proposed methodologies in the scoping opinion are consistent with what I would expect with regards to the environment / biodiversity issues.

Kind regards

John

John Cochrane | Environmental Strategy Officer | South Ayrshire Council | Sustainable Development | Place Directorate | Operations Centre | Walker Road | Ayr | KA8 9LE | john.cochrane@south-ayrshire.gov.uk | Direct Line: 01292 616228 | www.south-ayrshire.gov.uk

From: Sharp, Fiona
Sent: 28 February 2019 10:42
To: 'HMConsultations@hes.scot'; 'planning.sw@sepa.org.uk'; 'strathclyde_ayrshire@nature.scot'; 'Planning Consultations'; 'ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org'; Environmental Health; Bogicevic, Mira; 'WosasEnquiries@glasgow.gov.uk'; Johnstone, Jim; Jarvie, Lorna; Cochrane, John; 'Glasgow@rspb.org.uk'; 'development_management@transport.gov.scot'; 'swtayrshire@gmail.com'; Hearton, David; 'ali.mann@freeuk.com'
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This e-mail is formally seeking the views of your department / authority in respect of the proposed methodologies and in terms of your consideration as to the main effects of the proposed development (particular to your remit), and consequently the topics on which the EIA Report should focus.

Sharp, Fiona

From: O'Hare, Martin (DRS) <Martin.OHare@glasgow.gov.uk> on behalf of Wosas Enquiries (DRS) <WosasEnquiries@glasgow.gov.uk>
Sent: 28 February 2019 11:21
To: Sharp, Fiona
Subject: RE: Scoping consultation request under EIA Regs (2017) Regulation 17

Hello Fiona,

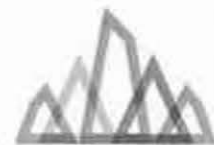
We actually looked at an application for this development earlier in the year (planning reference 19/00005/APP). We downloaded details of the proposal after it appeared on a weekly list of applications registered with the Council, and it was passed to my colleague, Paul Robins, to assess. After he'd had a look at it, Paul concluded that it appeared unlikely to raise a substantive archaeological issue due to the sloping nature of much of the ground and a certain amount of previous disturbance. I'm aware that application 19/00005/APP was subsequently withdrawn, but given that the plans supplied in relation to the current Scoping request appear to be the same as those submitted at that time, so it's likely that our response to any subsequent applications would be the same.

Regards,

Martin O'Hare



Martin O'Hare
Historic Environment Records Officer
West of Scotland Archaeology Service
231 George Street, Glasgow, G1 1RX
Tel: 0141 287 8333
email: Martin.O'Hare@wosas.glasgow.gov.uk



**HISTORY
HERITAGE &
ARCHAEOLOGY**
• 2017 •

From: Sharp, Fiona [<mailto:Fiona.Sharp@south-ayrshire.gov.uk>]
Sent: 28 February 2019 10:42
To: 'HMConsultations@hes.scot'; 'planning.sw@sepa.org.uk'; 'strathclyde_ayrshire@nature.scot'; 'Planning Consultations'; 'ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org'; Environmental Health; Bogicévic, Mira; Wosas Enquiries (DRS); Johnstone, Jim; Jarvie, Lorna; Cochrane, John; 'Glasgow@rspb.org.uk'; 'development_management@transport.gov.scot'; 'swtayrshire@gmail.com'; Hearton, David; 'ali.mann@freeuk.com'
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