

Your Ref:

Our Ref: 23/2529/SCR

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**Request for screening opinion under the Town and Country Planning
(Environmental Impact Assessment) Scotland Regulations 2017**

PROPOSAL: SCREENING OPINION UNDER THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 FOR CHANGE OF USE OF AGRICULTURAL LAND TO FORM A HOLIDAY PARK OF UP TO 425 LODGES WITH ASSOCIATED AMENITY, LEISURE AND RETAIL FACILITIES, FORMATION OF ACCESS, DRAINAGE, LANDSCAPING AND ASSOCIATED WORKS

LOCATION: LAND AT BARNCROSH FARM, CASTLE DOUGLAS, DG7 1TX

Dear Ms Salter

I refer to your screening opinion request submitted on 17 November 2023 under the provisions of Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 in respect of the above development, and the formal request to the response deadline which was agreed. I apologise for the delay in responding.

The proposed development falls within Schedule 2 (Paragraph 12(c) – Holiday villages and hotel complexes outside urban areas and associated developments) of the above regulations as the area of the development exceeds 0.5 hectares.

The requirement for EIA is dependent on whether or not the Council as Planning Authority considers the proposed development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, taking into account

the selection criteria in Schedule 3 of the above Regulations (or Annex A of Circular 1/2017) and the available results of any relevant assessment.

Considering the information submitted with your application, and having regard to the selection criteria contained in Schedule 3 of the regulations relating to the characteristics of the development, the location of the development and the characteristics of the potential impact as well as any proposed mitigation measures, it is the view of the Council as planning authority that the proposed development **unlikely** to have significant impacts on the environment and will therefore **not require EIA**.

In accordance with Regulation 7(2), the main reasons for this, taking account of the selection criteria contained in Schedule 3 are as follows:

Characteristics of the Development:

The proposed development comprises a holiday park of up to 425 lodges with associated amenity, leisure and retail facilities, formation of access, drainage, landscaping, and associated works.

The development would not result in cumulation with other existing development and/or approved development.

Whilst the development would use natural resources through land take, give rise to pollution from traffic movements and produce some waste through construction and operational stages, and a risk of the contamination of land or water from the release of pollutants, and the creation of noise and vibration, it is considered that effects are unlikely to result in significant effects in EIA terms, and that any impacts can be mitigated through the submission of reports during the planning and regulatory processes.

It is also recognised that there are existing land uses on or around the location which could be affected by the development and that this development will be located in a previously undeveloped area where there will be a loss of greenfield land. The site also contains 2 areas to the north of the site identified as ancient woodland and there are designated archaeological features in the locality which could be indirectly affected, and is likely to be highly visible to many people. It is considered unlikely that any of these potential impacts would be unlikely to result in significant effects in EIA terms, and that any impacts can be mitigated through the submission of reports during the planning and regulatory processes.

Location of Development:

The site is situated around Barncrosh Farm, which is a self-catering tourist accommodation provider comprising holiday lets which it is understood includes the farmhouse itself and previously included converted steading buildings, some of which are occupied as dwellinghouses. It is understood that additional facilities include a games room, children's play area, fishing ponds, and a tennis court. The site contains an existing vehicular access onto the A75(T) which serves the farm by way of a single track access road with passing places, and existing development next to it comprising the farm and ancillary buildings, together with visitor facilities. This part of the

application site contains a mix of undulating open pastoral land and woodlands, which are designated as Ancient Woodlands, together with sporadic trees and some established whin growth and rockier outcrops within fields. The site is not subject to any landscape designations. The Loch Ken and River Dee marshes Special Protection Area is located to the north-east of the site at a distance of 1.9km at its closest point. Sensitive residential receptors include individual dwellinghouses on the site and nearby. The site can be accessed via the A75(T) public road which runs to the south of the site.

Taking into account the location of the development as described above against the criteria in schedule 3 paragraph 2, which is considered in detail in the accompanying screening checklist, it is considered that the location of the development, situated on agricultural land in the rural area away from sensitive natural environment designations, would be unlikely to be significantly affected by the development.

It is likely that the planning authority will have to separately undertake an Appropriate Assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) as part of the assessment of any planning application to establish effects on the designations covering the Loch Ken and River Dee marshes Special Protection Area designation, given it is located as close as 1.9km to the east of the site, and noting its importance as a bird sanctuary, particularly for migratory Geese.

- a) Existing land use – a mix of agricultural land, tourism development, woodland, and dwellinghouses;
- b) Relative abundance, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its surroundings – not scarce at this locality.
- c) Absorption capacity of the natural environment – no concerns.

Characteristics of the potential impact:

The likely significant effects of the development as considered above has taken the following into account:

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact.

Mitigation:

The developer has not included any specific mitigation measures as part of the request although has provided a description of the key environmental issues likely to be associated with the development within their letter and advised of further Reports will be required to accompany the planning application relating to:

- Trees (a Woodland/Tree Survey and Arboricultural Impact Assessment in accordance with BS5837(2012));
- Flooding (a Flood Risk Assessment produced in accordance with NPF4);
- Drainage (a Drainage Strategy Report);
- Ecology (Further Species surveys and Wintering Bird surveys);
- Ecology (Geo-Environmental Phase 1 Investigation);
- Ecology (Preliminary Ecological Appraisal Report and Biodiversity Net Gain Metric)
- Landscape and visual impacts (Landscape and Visual Impact Assessment – LVIA);
- Landscape and visual impacts (Landscaping proposals);
- Noise (a Noise Impact Assessment);
- Traffic and transport (a Construction Traffic Management Plan – CTMP);
- Traffic and transport (Transport Statement); and
- Air Quality (Air Quality Assessment).

In summary, following consideration of the proposal against the relevant Schedule 3 criteria, it is considered that an Environmental Impact Assessment **is not required** for the description of development referred to in the submitted screening request, subject to the employment of mitigation measures described above.

I have enclosed a copy of the EIA Screening Checklist which formed that basis for this opinion.

Guidance in relation to applications to the Scottish Ministers for a screening direction can be found at paragraphs 51 and 52 of Planning Circular 1/2017.

Should you wish to discuss the matter, please do not hesitate to contact Robert Duncan on the above telephone number.

Yours sincerely,

Steve Rogers

Head of Economy and Development

Enc. (EIA Screening Checklist)