

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on MONDAY, 30 NOVEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Richard Trail

Attending: David Logan, Head of Legal and Regulatory Support
Iain Jackson, Governance, Risk and Safety Manager
Patricia O'Neil, Governance Manager
David Love, Area Team Leader – Mid Argyll, Kintyre and Islay – Planning
Derek Wilson, Planning Officer
Mike Horner, Applicant's Agent
Arancah Arnal, Applicant's Agent
Sukhinder Singh, Applicant
Rajbir Sawhney, Applicant
Oliver Chilton, Applicant
Mark Freeson, Applicant
Rachel Whyte, Islay Community Council – Consultee
James Ross, Roads Officer – Consultee
Marina Curran-Colthart, Biodiversity Officer – Consultee
Councillor Robin Currie – Supporter
Dr Pat McGrann - Objector

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Sandy Taylor.

2. DECLARATIONS OF INTEREST

Councillor Alastair Redman declared a non-financial interest in planning application reference 19/02555/PP. He advised that this had been a contentious issue which had come up at various meetings and surgeries and he felt it was only fair that he take no part in the determination of this application. He left the meeting at this point.

3. SPECIALITY DRINKS LIMITED: ERECTION OF DISTILLERY WITH ASSOCIATED MALTINGS, AND VAULTED MATURATION WAREHOUSE, VISITOR'S CENTRE WITH SHOP, RESTAURANT AND MEETING FACILITIES, TASTING LODGE AND ASSOCIATED INFRASTRUCTURE INCLUDING: SEWAGE TREATMENT PLANT AND PUMPING STATION, NEW JUNCTION, ACCESS ROADS, CAR PARKING, TANK FARMS, SUDS POND, RESERVOIR AND SEA WATER INTAKE: LAND SOUTH AND EAST OF FARKIN COTTAGE, PORT ELLEN (REF: 19/02555/PP)

The Chair welcomed everyone to the hearing which was being held on a virtual basis in light of government guidance and Coronavirus legislation on public gatherings in response to the Covid-19 pandemic. For the purposes of the sederunt, Mr Jackson, Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today interested parties confirmed that they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance.

The Chair, having explained the hearing procedure that would be followed, invited the Planning Officer to present the case.

PLANNING

David Love, Area Team Leader presented the application as follows gave the on behalf of the Head of Development and Economic Growth.

Good morning Members. You will recall this proposal was originally heard at the May meeting of the PPSL committee. At that meeting it was agreed that Members would endorse the associated Area Capacity Evaluation. Given the status of the ACE having been approved I have not revisited it in this presentation. However, I have managed to pull together what I hope is a comprehensive familiarisation presentation.

I would like to appraise the committee of a late representation received on Friday afternoon. Mr Andrew Campbell submitted comments directly to me. Given the lateness of this submission I was not able to provide a further supplementary report for Members however I can confirm that it does not raise any new material considerations and that its contents have already been addressed across the original report of handling and the supplementary report. In order to give this representation a fair opportunity for discussion I shall read its contents for consideration prior to starting the familiarisation exercise.

Dear Mr Love,

I am writing to lodge my objections to the plans which have been submitted for the distillery and associated buildings and business at Farkin on our Isle of Islay.

The basis of my objections are.

- Islay is already well served by distilleries and whilst I would not object to any new distilleries on the island, any such distilleries should add to the reputation of the island and not so blatantly seem to exploit such a reputation.*
- The scale of the development represents a more impactful industrial scale which is out of kilter with the style of other commercial operations on the island*
- Whilst employment opportunities are usually an attraction, there is currently full employment on the island and with housing and education under pressure it is unclear how additional workers could be accommodated. There must be many other rural locations in Scotland which would benefit from this additional employment opportunity.*
- The environmental impact on a beautiful area of the Island which will be a clear to those arriving on the ferry.*
- The required level of water supply will be a challenge to provide without significant disruption to the natural environment*

In summary, this is a development that is not needed and one which will likely have a negative impact on the character, environment and resources on one of Scotland's most precious assets.

It is considered that these comments have already been addressed by officers and do not require further consideration.

If the committee is happy with this view then I shall proceed with the site familiarisation slides.

Slide 2

Members will have received a PDF map as shown on the screen. I apologise for not highlighting the actual site itself but it is where the number 4 is shown. The numbers indicate the location of photographs and you may wish to keep it handy to orientate yourself with the pictures as they appear on screen. However, I can always skip back to this map on request.

Slide 3

Before getting into the photographs I thought it important to provide an aerial image showing Port Ellen and the road to Ardbeg. The site is located here. For those not familiar with the island this is Port Ellen where the ferry usually arrives. It is one of two main transport hubs on the island. The other is at Port Askaig to the north. Port Ellen Distillery is here which is under redevelopment. This area is the maltings. You can see the coastal edge and the Laphroaig distillery complex and buildings. You can see the field management system. It is largely grazed. The three distilleries footpath runs along the road. This area is Port Ellen Primary School. The reservoir would be in this location here.

Slide 4 – photo 1

My first photo is taken from within Port Ellen as you leave the town travelling east. This gives you an impression of the edge of the settlement. Port Ellen Primary School is off picture to the right. The edge of the settlement is approximately here.

Slide 5 – photo 2

As you travel past the primary school immediately adjacent you have a multi use games area and you leave the restricted speed limit of the town. I am standing on the three distilleries footpath. You can get an impression of the rock features along to the left and the drumlins that cover the site. These are semi constant features along the coast. Field boundaries tend to be dry stone walling and post and wire fences. You can see the telegraph poles and wires that dot the landscape.

Slide 6 – photo 3

This is a close up shot looking across the site. You can see the landscape features here as previously described. The field boundaries, telegraph poles. This track leads down to some Scottish Water infrastructure and a rough path that leads back in Port Ellen.

Slide 7 – photo 4

Just to assist this image is actually further away from the site looking in the same direction. You can see the landscape features previously mentioned.

Slide 8 – photo 5

Members will note on the map that there is a track leading north from the site. This image shows the coastline, a small Scottish Water building, the site beyond.

Councillor Blair left the meeting at this point during this presentation as he lost connection and could not be re-connected.

Slide 9 - photo 6

Again back to the site to give the previous image some context. This is the SW building I referred to.

Slide 10 – photo 7

This is a panoramic shot taken from a location to the north looking south down over the grazed fields and over the site to the coast.

Slide 11 – photo 8

Here we have a photo from the far end of the main site showing the main road looking over to Laphroaig. Again, landscape feature on the left showing a pinch point in the landscape.

Slide 12 – photo 9

From the previous location if the viewer turned around this is what you would see. For orientation purposes this is the site in here. You can see the raised landscape features previously referred to. This is the SW building.

Slide 13 – photo 10

Not an image of the site but hopefully gives an impression of the coastal strip looking east.

Slide 14 – photo 11

Moving east from the last shot we end up with the bay on the right and this shoulder of rocky outcrop on the left. You can get the impression of the narrow coastal edge past the site and rocky features common of the coast.

Slide 15 – photo 12

This picture is showing the rock features on the left hand side of the previous image. The house you can see is the nearest third party property.

Slide 16 – photo 13

From the previous image you access the site for the reservoir and you can get a view of the interior away from the coastal edge. This is the track down to the coast road and this is a rough track accessing the fields. You can see the pastoral nature of this portion of the landscape.

Slide 17 – photo 14

From approximately the same position you can see how the landscape changes from the narrow coastal strip. We are looking back out over the coast. The third part property is a little to the right set amongst the rocks. The main road is here. The reservoir would be to my back. The distillery complex off picture to the right where the coastal edge widens.

Slide 18 – photo 15

From the previous image this photo shows the view slightly to the left.

Slide 19 – photo 16

Dropping down off that previous position onto the main road and looking west you can see that shoulder of rock I referenced earlier. The site would be up over this small hill.

The site is located to the east of Port Ellen Primary School on the south coast of the island. Laphroaig is some one mile to the east. The ruin of Farkin Cottage is to the north. The site is bounded by a track leading to some Scottish Water infrastructure to the west where a field separates the site from the primary school. The A846 is to the north along with the Three Distilleries Core Path which runs parallel. The coast is to the south and agricultural fields are to the east where the land narrows into a bay before widening into Loch Laphroaig and the settlement of the same name. To the North the land tends to slope upwards towards the more mountainous interior of the island. The south coast of Islay is characterised by three existing distilleries namely Laphroaig, Lagavullin and Ardbeg. This proposal would seek to add a fourth.

While the majority of the application sites lies to the south of A846 the application area includes a portion of land to the north east of Farkin Cottage which includes a natural bowl in the topography in which the proposals are looking to form a reservoir to supply water to the development. The site itself is relatively flat and characterised by a rolling topography with drumlins. It has traditionally been used for agricultural purposes.

The application site is located within land zoned as 'Countryside' wherein the provisions of policy LDP DM 1 offer general support for 'small' scale development on appropriate infill, rounding-off, redevelopment and change of use of existing buildings; plus support for up to and including 'large' scale development on appropriate sites in exceptional circumstances where this accords with an 'Area Capacity Evaluation' (ACE).

Policy SG LDP BUS 2 set out that proposals for new business and industry development (Use Classes 4, 5, 6 and 7) in the Countryside Development Management Zones will only be permitted where it meets specific criteria.

Schedule B1 sets out the scales of Business and Industry development defining 'large scale' development as buildings with a footprint exceeding 600sqm, or a gross site area exceeding 2ha. The provisions of Schedule B1 also note that within Economically Fragile Areas consideration will be given to variation of the permitted scales of development in line with the provisions of policy SG LDP BUS 5. It is worth noting that Islay is considered an economically fragile area.

Schedule B3 sets out the preferred locations for business and industry development in the countryside expressing a preference only for 'small scale' development in 'non-residential locations' out with the allocations and PDAs (Potential Development Areas). Schedule B3 also defines 'non-residential locations' as being "locations where residential use does not predominate – this includes mixed use areas".

The proposal also includes for a visitor centre (which should be viewed as an ancillary development to that of the main distillery) and accordingly regard should be had to the provisions of LDP 5 and SG LDP TOUR 1 and 3.

These policies offer broad encouragement for new and improved tourism facilities, particularly within designated Tourism Development Areas such as Islay. SG LDP TOUR 1 sets out a criteria-based approach, with a general presumption in favour of new or improved tourism facilities provided certain criteria are met. The proposal represents a 'large-scale' business and industry/tourism development within a 'Countryside Zone' where a clear locational/operational need has been demonstrated and supported by an 'Area Capacity Evaluation' which was approved by the PPSL Committee at their meeting on 20 May 2020. The provisions of SG LDP BUS 5 recognise the requirement for flexibility within Economically Fragile Areas such as Islay and make provision for the normal provisions of the Council's Settlement Strategy to be varied to accommodate up to 'large scale' development in rural areas in appropriate circumstances. Accordingly, it is considered that the principle of the development is consistent with the LDP.

The Proposed Distillery is located in the south-eastern portion of the site. I have another site plan showing just the distillery complex. However, you can see it here with the wet land areas in blue, the reservoir up in the north east and the associated pipeline. The tasting lodge, sea water intake for cooling and long sea outfall.

The reservoir is in the catchment of a small watercourse that becomes an open channel some 350m south of Bruhinny Farm. It will take some 38,000m² with potential storage up to 76,000m³. Alternative water sources would include rainwater harvesting for grey water use and a sea intake for cooling purposes.

Slide 23 shows a little clearer the location of the access point, footpaths, warehouse, and main distillery complex.

The buildings will be constructed using local building materials (where possible) sympathetic with the local area. The buildings will also incorporate significant glass frontage to maximise the outlook for visitors across the views of the Sound of Jura.

Slide 28 – LVIA visuals VP map

The darker colours show more impact lessening to the pale. Views are very much localised.

Slide 29

I have a selection of visuals that I'll talk through.

This is from the ferry as you would come into Port Ellen. You can see the settlement hugging the bay. You can see the predominant materials and colours evident in the conservation area. The development can be seen here to adjacent the spire.

Slide 30

This from an area south of Port Ellen looking over the eastern extent of the settlement. Laphroaig distillery is in the distance. The development can be seen here. It is demonstrated that the site is well back dropped by the upland areas to the north.

Slide 31

A similar view as you would travel east along the coastal edge. You can see the rising landform to the north. This is a small Scottish Water building. This a third party property. The reservoir would be on the other side of this property.

It is worth noting that these visuals do not take into account the applicant's landscaping proposals that would retain and enhance the natural features across the site.

Slide 32

The same view but further to the east. You can see Laphroaig on the right. Scottish Water infrastructure just here. The third party property here. Reservoir would be on the other side of this. Warehousing. Again, you can see the development would be well back dropped and the extent of the landscape envelope.

Slide 33

This would be access to the site on the A846. You can see the use of stone walling as a boundary feature. The rocky feature, which is to be retained, helps to limit the view although you would be able to see it.

Slide 34

From the other side of the development looking seaward.

Slide 35

The same image encompassing more of the development. Again, the landscape feature is to be retained.

Slide 36

From the Three Distilleries core path looking west. The applicant has broken up the mass of the buildings into a traditional complex.

Slide 37

From the sea looking into the south coast of Islay. You can see Laphroaig and Port Ellen. The maltings with Port Ellen Distillery immediate in front – not visible from this distance though. The blue shed is at the ferry terminal. You can see the development located here. Again the key landscape features are to be retained and enhanced through landscaping.

There are no objections from consultees other than the community council. However, the materiality of their objections were the same as those raised by SEPA which have now been resolved.

There have been a total of 22 separate objections to this application with a further petition with 148 names. Of these, 4 people have signed the petition and submitted separate individual representations.

Furthermore, 3 letters of support have been submitted.

The proposal will deliver sustainable economic development within an 'economically fragile area' in a manner which, notwithstanding the concerns expressed by third parties, will not give rise to any unacceptable, or significant adverse effect upon the receiving environment. The proposal satisfies development plan requirements and there are no material considerations which would indicate the need to withhold consent in this case.

APPLICANT

Mike Horner confirmed that the Applicant would not add anything further to what had been presented by Planning but would make themselves available for questions.

CONSULTEES

Islay Community Council

Rachel Whyte advised that she was speaking on behalf of Islay Community Council. She said that the Community Council always welcomed new business and industry to the island but this welcome came coupled with the reality that residents, infrastructure and the habitat would not be compromised in anyway. She put forward the following objections on behalf of the Community Council:

1. The applicant has not included staff housing within the plan. We note that Design and Access statement states, "The client intends to provide on-site family housing for staff and distillery visitors. This will form part of a separate planning application."

At present we are living in a housing crisis on Islay with indigenous islanders urgently requiring homes. The applicant states they intend to commence production in 2021. ICC formally request that Argyll & Bute Planning Department impose a Section 75 (or equivalent) obligation on the Applicant to build sufficient new housing to accommodate the quoted 25 (twenty five) visitor centre and process staff of the proposed new distillery. ICC note that no clerical or managerial staff numbers have been brought into this equation - will they be located off Islay or should they also be included in this housing equation?

Any housing development should happen at the same time as distillery construction and be completed before production begins. It should be further noted that staff housing should be an integral part of the distillery plans though ICC do not consider distillery visitor housing a necessity.

2. No significant sign of renewable energy installations, reducing carbon emissions or adapting to climate change can be seen from the Applicant within this planning application. We request that Argyll & Bute demand that the Applicant uses much more renewable/greener energy as possible to reduce the over use of our grid for example air source, solar and wind. ICC insists that Argyll & Bute requests the applicant is made fully aware and compliant in that by 2030, only nine years from now, Scotland aims to generate 50% of our energy from renewable sources and by 2050 aims to decarbonise our energy system completely. The Scottish energy statement published in December 2017 sets a 2030 target for the equivalent of 50% of business energy - heat, transport, electricity consumption to be supplied by renewable sources. Therefore with this Scottish Government time table in mind this must become an integral part of this Planning application.
3. Within the Proposed Vaulted Warehouse Plan, Section and Elevation it states 15 row of casks, 8 No in a row, 2 levels. The amount of alcohol cannot be calculated as the content of quarter casks, barrels, hogshead and butts vary greatly from containing 25 litres through to containing 500 litres. However, using the largest calculation it is noted that cask storage is only a fraction of distillery alcohol output. It therefore indicates that this warehouse is simply for visitors to have an insight to warehousing and not for the prime aim of storing alcohol produced on site.

Has the applicant got plans to build more warehouses? If so where are the plans or, if not, is the intention to transport spirit off the island thus compromising Islay's infrastructure and/or ferry capacity?

4. No up-to-date otter survey has been carried out by applicant therefore it cannot be known if licensing is required. This should be addressed before planning is approved.
5. Given to the close proximity of the distillery to the local primary school and increase in traffic to this area there is a strong feeling locally that the present 30mph speed limit is thoroughly inappropriate. We feel strongly that this point should be re-visited and reduced to 20mph speed limit from proposed distillery entrance to Port Ellen Primary school.
6. ICC object to the spreading of pot ale to agricultural land noting that, for each litre of whisky on supermarket shelves, around 8.5 litres of pot ale is produced in the first stage of distillation alone:
 - a) the continual use of heavy plant to transport the pot ale will have a massively detrimental impact on our roads.
 - b) Spreading on land as fertiliser causes much concern, due to the possible toxic effects of the pollutants contained in pot ale.

SUPPORTERS

Councillor Robin Currie

Councillor Currie advised that when the PPSL Committee last considered this application in May 2020 he successfully moved a Motion that a public hearing should be held before determination. He said that one of the main reasons for asking for this hearing was for the local people to be given the opportunity to comment on their concerns and he was glad that this has happened. For his part, he said he was content with the handling of the application and the responses from Planning and the statutory consultees. He advised that his only remaining concern was still the question of road safety and traffic management, particularly around Port Ellen Primary School. He said that he agreed with the comments made by Rachel Whyte, the representative from Islay Community Council. He advised that he would have thought the Roads Department could have asked for improvements to the road in order to improve safety to traffic management. He commented that a lot of reference had been made by Mr Love to the Three Distilleries Pathway but very little reference was made to the road that ran alongside it. He acknowledged that there were no material considerations which would merit withholding consent. He said he was disappointed that more reference was not made about the school and the road exiting from the village even in the presentation slides.

OBJECTORS

Dr Pat McGrann

Dr McGrann advised that he has known Islay since the 1970s and has been a householder since 2000 in a C listed dwelling. He said he had previously been on the Islay Community Council and that presently he was Chair of Islay Community Access Group which was responsible for the Three Distilleries Path. He advised that since 2013 this small voluntary group has raised £2.2 million to build this dual purpose pathway across Islay. He commented that Mr Love had made much of this pathway being a dominate feature across Islay. He advised that Islay Community Access Group had no direct contact with the developers regarding the development of this path. Up till now the path has passed by three distilleries. It was 3.5 km long and it required a lot of maintenance. He said that they had asked Speciality Drinks to work in the same way as the other distilleries to help maintain this pathway to ensure there was a safe transit for visitors which were now undertaking 60,000 journeys per week to Farkin hill (pre Covid measure).

As an individual resident at Frederick Crescent, Port Ellen – a Conservation Area, He said he was grateful to his colleague Mr Iain Faggeter for drawing to his attention the pre application notice (PAN) of March 2018. He commented that due to the proposal's large scale and location within a Rural Opportunity and Countryside Zone justification for an exceptional case would need to be made and he said he did not feel that this had been done. He advised that the Committee were being asked to consider a major project, a new build of an alcohol production factory on agricultural land with a long history. The major dimension is exemplified by the mass of plans, volume of multi-professional technographic reports which were engaged by Speciality Drinks attempting to capitalise on the provenance of its produce being on Islay. The main thing, he advised was to be mindful of Islay Community Access Group's objective. The main one being "to improve the quality of life for those who live on Islay and those visiting, by creating a safe and accessible range of

opportunities to access the countryside for recreation and enhanced health and wellbeing.” He said the plans and reports prepared were acting as proxy for an impact assessment on our daily lives, now and in the future. He pointed out that the vast majority of the application pre dated the Covid-19 pandemic which has had a massive personal, economic and social consequences to our daily lives now and in the future and as such should lend itself to the context of this meeting. He advised that the quality of our lives was the holistic summation and appreciation of emotional, practical, aesthetic and intellectual factors. These were particular to the individual but entirely relevant.

He advised that 22 formal objections were made and said he felt that the inability of the Committee to be able to visit Islay denied them access to this holistic view of quality of life on a remote and rural island. Referring to Mr Love’s presentation, he advised that if the Committee had come to Islay they would have seen a vibrant village with well-maintained diverse buildings in a Conservation zone. They would have seen the partial demolition of the old Port Ellen Distillery site in preparation for rebuild along similar lines to the Speciality Drinks site at Farkin ie, alcohol (whisky) production unit, visitor centre and restaurant. He pointed out that across the road from the Maltings the Committee would have seen a partially completed rum factory with a retail outlet. He said the Committee would have become aware of the poor surface condition of the road network, its route through the centre of the village along the A846 to Ardtalla, passing two hundred year old Laphroaig, Lagavullin and Ardbeg Distilleries. He said they would have realised that this was the only road through the village giving access for all traffic, especially HGVs to these sites. He said it passed Port Ellen Primary School some 500m from the proposed Farkin site.

He advised the Committee that the A846 sat on a sandy base and underneath that ran mains water pipe which repeatedly had to be repaired due to the damage caused by HGVs carrying excessive loads for this type of road. He said there were two recurring sink holes and the rendering of house walls were showing cracks. He referred to Councillor Currie’s comments about the problems around the school. He advised that the community had applied to build a childcare facility next to the school but this had been rejected because of inadequate space to deliver and collect children up to the age of 5 and for all round care.

He advised that road congestion due to ferry traffic was severe and dangerous. He advised that on a busy day, under normal circumstances, the residents of Port Ellen had to have a sixth sense to cross the road and be mindful of children and the elderly. He referred to a chronic lack of affordable housing and to the chronic failure of Cal Mac in respect of ferry capacity and delivery. He said that Ilich’s were not getting preferred bookings and that there was too much commercial traffic and campervans. He advised that construction of any scale would exacerbate this. He said air travel was expensive and stressed, and the pan Islay electricity supply was fragile, water supply was limited, sewage disposal had its problems and internet access and capability was limited. He advised that HGV journeys were increasing with most distilleries on Islay increasing production. He said that visitor numbers had been increasing pre-Covid and that Islay was always full during Feis Ilay and Islay Show Day with limited capacity for accommodation. He advised that the recovery of Islay was becoming dependent on achieving previous levels otherwise the hospitality sector would be severely impaired. He said there was a lack of available tradesmen to serve local households due to their commitment to distillery work. He said that although this was deemed an economically fragile area, unemployment was 0.6%.

There has been minimal infrastructure investment in the last 20 years. The distilleries have driven the economy with the inadequate island infrastructure and stressed it too much.

He advised that it was now Groundhog Day. Any major new development would stress all these services perhaps to the level of failure. He said a new alcohol factory would not aid the recovery from Covid-19 unless there was very significant CSR from the multiple distilleries and government support. He advised that the community did not need, nor could there be justification in stressing the local community as it recovered from Covid in the next 5 years.

He said that they had already lost a well-respected general store and the village pub both part of Port Ellen heritage. He acknowledged that change was inevitable and that he was not against change but it had to be in the right direction.

He advised that he could not see enough evidence for an exceptional case to be made for a new alcohol unit at Farkin when another unit was being resurrected now. He said there would be four such factories within 5km with increase production in the established units. We said they did not want five, that the infrastructure could not adequately support five without overall detriment to the community – this within a village with two housing complexes underway. He said the infrastructure would be challenged and the community would not gain but certainly suffer both in the short and long term. He said not to forget the law of unintended consequences and referred to the NC500 route where communities there were feeling that their way of life has been severely pressured with congested roads and stressed infrastructure. They feel they are losing their rural culture. He said this could happen to Islay too with increasing numbers of alcohol production units, of which there were nine distilleries on Islay already and one being built, two gin units and a rum factory being built.

He said that enough was enough and he objected to this application at this time until it could be demonstrated that infrastructure improvements were adequate to mitigate the detrimental effects on our way of life.

MEMBERS' QUESTIONS

Councillor Devon referred to concerns raised about road safety and the intensification of traffic. She asked if it would be possible to have a 20 mph limit either side of the school and, if not there already, flashing signs outside the school. Mr Ross advised that there were flashing 20 mph signs outside the school which were enforceable due to a Traffic Order. He said he was aware of traffic congestion. He referred to the proposal to have an Early Years Centre at this location and said there had been difficulty with that as there was not enough parking for parents. He advised that the road had a 30 mph limit through the village but this could not be extended beyond the village as it would not meet the Council's policy for speed limits due to there being no buildings beyond the 30 mph zone. He advised that there was still a school crossing patroller during schools hours and also a nib on the road with give and take.

Councillor Devon sought and received confirmation from Mr Ross that the child care centre was turned down due to insufficient parking.

Councillor Devon referred to Ms Whyte's comments about there being no unemployment on Islay. She asked if the current employment was mostly seasonal and suggested that this proposal would offer full time work and more security. Ms Whyte advised that unlike other tourism places, Islay did not have any seasonal employment. She said that practically everyone was employed and that any tourism jobs had been taken up by Eastern Europeans. She advised that Islay had full employment all year round and that was why they were so worried about unemployment on the island as a result of Covid.

Councillor McCuish asked if ferry capacity, roads infrastructure, and the housing crisis etc were taken into consideration by Planning as part of their assessment of this application. Mr Love explained that planning applications could only be considered in their current form and that Planning Officers were not able to consider elements beyond that which Planning had no control of. Mr Love confirmed that he was aware of the shortage of housing on the island and issues with capacity on the ferries, but this was not something that could be taken into consideration in this case as this proposal did not directly impact on these issues. Indirect impacts could not be taken into consideration.

Councillor McCuish referred to there being nine distilleries on Islay along with two gin and one rum distillery. He asked if Islay Community Council would agree that it was time the distilleries started contributing to the infrastructure on Islay. Ms Whyte said yes. She referred to a meeting held last year with the Applicant and this was spoken about then. She said the Community Council had a great deal of communication with the Applicant in the beginning with great promises, but despite trying to push this, nothing was forthcoming. She referred to a desire to set up an Islay Fund and said they had spoken to a couple of the other distilleries who were well acquainted with this and would be willing to join in with this. She advised that the Secretary of the Community Council had written several times to the Applicant but was still waiting for replies.

Councillor McCuish referred to the Timber Transport Fund which allowed money to be put into this fund for Argyll and Bute roads. He said he could see no reason why this could not happen on Islay and commented that the island had two very active Councillors that may be able to help. He said he was sure the distilleries would want to put more into the communities.

Councillor Colville referred to page 4 of the Agenda pack and the consultation response from Roads asking the Applicant to consider constructing a bus turning area adjacent to the public road. He said he had noticed there was no mention of a bus turning area in the conditions and sought comment on this. Mr Ross confirmed that this had been discussed with the Applicant but was not something that he could enforce. He advised that the Applicant had indicated they would look to installing one but had heard nothing confirming this would go ahead. Mr Ross said it would be an advantage if a bus turning area was provided.

Councillor Colville sought comment from the Applicant on the subject of a bus turning area. Mr Horner advised that there was a plan to submit a separate application for housing and that it was the intention of the Applicant to include a bus turning area at the access into this housing development.

Councillor Colville sought clarification on whether or not the Applicant proposed to use peat as the report of handling indicated that it was not proposed to use peat but

reference was made later in the report to the use of peat fired kilns. Mr Love advised that there was permitted peat extraction on Islay at Castlehill Peat Moss so should there be a requirement to use peat there was a supply on the island. He advised that the proposal did not involve any peat cutting within the development site but if required there was a legitimate and authorised location where the peat could come from.

Councillor Colville sought comment from the Applicant on the subject of using peat. Mr Horner confirmed that there was no intention to cut peat from the site itself but a small quantity of peat would be sourced for use during the malting process.

Councillor Colville referred to Councillor Currie initiating a visit to Islay of senior officers to look at the roads infrastructure with a view to seeking a similar fund to the Timber Transport Fund. Talks were ongoing about using the Duty of whisky to improve infrastructure of Islay's roads. He asked if this came to fruition would it give Dr McGrann comfort regarding his concerns about new applications. Dr McGrann advised that he was no longer a member of Islay Community Council so could not give an up to date assessment on this nor did he attend any of the meetings. He said that he was aware of the follow up Islay Community Council received after the meeting and advised that his objection stood until there was mitigation put in place for the impact on the daily lives of residents. He advised that if such funds came forward that would be a good thing.

Councillor Green referred to archaeology and noted reference made in the report to a former dun and cairn. He asked if these were out with the site boundary and would not be affected. Mr Love advised that condition 2 required a method statement for an archaeological watching brief to be submitted and approved by the Planning Authority in consultation with West of Scotland Archaeology Service, the Council's retained advisers on these matters including the impact on Scheduled Ancient Monuments. He confirmed there were no Scheduled Ancient Monuments within the site. West of Scotland Archaeology have confirmed they are content with the proposal subject to the submission of this watching brief.

Councillor Green referred to the cooling system using sea water and there being intakes for that. He asked what the arrangements were for the discharge of water once it had been used and if there had been an assessment undertaken in respect of any impact on biodiversity. Mrs Curran-Colthart said that the raising of the temperature of the sea water was out with her remit. Her remit was limited to coastal integration and the possibility of otters. Mr Love advised that discharge to waters would require approval under separate legislation which, he believed, in this instance was from SEPA and, if not, Marine Scotland. He said this issue has not formed a significant part of his assessment as it was controlled under separate legislation. He advised that the Applicant would require a licence from SEPA to ensure there were no adverse impacts from discharges and, if there were, appropriate mitigation put in place.

Councillor Green referred to mention of the use of diesel fired boilers. Given this was a fossil fuel with wider environmental considerations, he asked if the Applicant had considered any more environmentally friendly methods which could be used such as air, ground or sea source heating. He also advised that he lived in Oban and regularly walked by the Oban Distillery. He said he was often aware of an odour from the distillery and asked if the Applicant had given consideration to any filtering methods to reduce the odour from the proposed distillery. Mr Horner confirmed that

the Application included diesel boilers, however, there was real intent by the Applicant to look at renewables. He indicated that ground source would not be applicable for the malting process but could be looked at for heating the buildings. He advised that Emission Testing would be carried out but they did not believe odour would be an issue due to the location of the development and airflows with any odours dispersed by the wind.

Councillor Trail referred to the paperwork indicating there would be no provision for coach parking at the distillery he asked if this was because they did not anticipate any coach parties coming to the distillery. Mr Horner said the intention was not to discourage large parties. He advised that they envisaged visitors coming by mini bus and these could be accommodated. He said they did not envisage 44 seater coaches turning up to the site.

Councillor Trail referred to the distillery being located in a dark area and it being indicated that it would be appropriate to impose a planning condition in respect of external lighting. He sought and received confirmation from Mr Love that condition 13 sought to secure mitigation measures in respect of the impact of external lighting on the environment.

Councillor Hardie asked what percentage of the workforce the Applicant envisaged coming from the Islay. Mr Horner advised that it was the Applicant's intention to recruit as many people as possible from the island but taking on board comments made about employment on the island this may not be possible.

Councillor Moffat asked if an otter survey had been carried out. Mrs Curran-Colthart confirmed that a survey had been done along the burn and there had been no evidence of otters there. As this was unusual, it has been agreed to keep a watching brief in terms of pre-construction and during construction monitoring of any otter activity. She referred to the requirement for a site Biodiversity Action Plan to be submitted and she confirmed she would ensure this was factored in in terms of pre start surveys for otters and other species, eg birds.

Councillor Colville asked the Applicant why they have chosen Islay as the place to have this new distillery. He asked for some background on the Applicant's commitment to the Scottish whisky industry. Mr Singh advised that he has been in the whisky industry for 35 years and has been coming to Islay for 25 years. He commented that as a whisky expert he has always loved Islay and has always loved Islay whisky. As a whisky collector he was passionate about the aura around Islay.

Councillor Hardie referred to the reasons given in the report why planning permission should be granted. He asked Mr Love to elaborate on the statement that the proposal would deliver sustainable economic development within an 'economically fragile area'. Mr Love referred to Section I of Appendix A to the report which provided further information. He advised that the Applicant estimated that up to 30 full time equivalent jobs would be created after construction of the development and that these jobs would include the requirement of skilled staff experienced in the spirit production process, and it was anticipated that these staff would be recruited at a local level. Mr Love advised that bringing people into the area would help address population decline. He said this was not just about creating jobs, but creating high value jobs. The development would also have the benefit of bringing visitors to the island. He said it would be a sustainable attraction. He said it was his view that this

would have significant economic benefit in terms of a large scale investment to a rural area of Scotland.

Councillor McCuish referred to hearing that there was almost zero unemployment on Islay. He also advised of hearing that the Applicant proposed recruiting locally which, he said, was admirable. He asked why the planning application for workers houses was not submitted at the same time as the distillery application. Mr Horner advised that when the application for the distillery was submitted the Applicant was still in the process of sourcing land for the housing. This land has now been secured but due to the current position with Covid getting the required reports pulled together for the housing application has been difficult.

Councillor McCuish asked if the Applicant was concerned at all about the infrastructure on the island. Mr Horner confirmed that his client was committed to joining any working parties and supporting any groups looking at things such as ferries. With reference to utilities infrastructure his client was looking to reduce their demand on these. With regard to the roads network, he confirmed that his client would work closely with Argyll and Bute Roads to address any issues.

Councillor Kinniburgh asked if the Applicant had any plans for more warehouses on the island. Mr Horner advised that they did have plans for more warehouses on the island if suitable sites were identified. He advised that there were also plans to purchase and develop warehousing on the mainland. This was a discussion that would be taken forward with Planning and that it was not a necessity to have more warehouses on the island.

Councillor Kinniburgh referred to Dr McGrann saying that no justification had been made for this being an exceptional case. He asked if he was correct to say that justification had been made through the ACE and LDP Policy DM 1. Mr Love confirmed that assessment of the application started with the settlement strategy wherein the provisions of policy LDP DM 1 allowed for, in this instance, large scale development proposals in the countryside by virtue of supplementary guidance SG LDP BUS 4 and SG LDP BUS 5 which allowed for large scale proposals for Economically Fragile Areas. He advised that the Applicant had went through the sequential process of identifying other sites. Bridgend Farm, Glenegedale and Coultresay were looked at and it came back to the chosen site for various landscape and infrastructure requirements. The Applicant demonstrated an exceptional case and this triggered the ACE (Area Capacity Evaluation) process.

Councillor McCuish asked, if the exceptional case has been made and this was an economically fragile area, how this was worked out if there was no unemployment on the island. Mr Love advised that it essentially came out of the Local Development Plan which stated what qualified as an Economically Fragile Area. He confirmed that the application was assessed against the 2015 LDP. Councillor McCuish commented that 5 years on Islay may no longer be economically fragile.

SUMMING UP

Planning

Mr Love advised that Officers considered the proposal to be consistent with Local Development Plan policies and supplementary guidance. Applications could only be assessed on their own merits. He referred to the housing and employment on the

island and said that this application was not the forum to address these issues. With reference to an Islay Fund, he confirmed there were examples of this across Scotland, for example, Shetland and Orkney had an oil fund. He said that this planning application did not present a forum to secure such a fund but perhaps this was something that could be taken up at a higher level. He referred to school and road safety. He advised that it was not his intention to ignore this and that his assessment was based on the advice from Roads experts which considered road safety to be acceptable in this location. Finally, he advised that the application was recommended for approval on the basis that it was considered to be consistent with the Local Development Plan and it was felt that conditions would cover any issues regarding otters, birds, light pollution etc. He endorsed the recommended by Officers to Members.

Applicant

Mr Horner addressed some of the points raised by the Islay Access Group regarding the Three Distilleries Path. He said that discussions had been held with Islay Community Council and that his client would be more than happy to enter into a similar maintenance agreement as the other distilleries.

Mr Horner confirmed that his client did have discussions earlier with Islay Community Council and that they had gone well. However, until such times as it was known if the application would go forward it was felt there was no point on continuing these discussions and this was agreed with the Secretary of the Community Council. He confirmed that if the application was successful these discussions with the Community Council would recommence.

Mr Horner referred to earlier discussions about why the housing application had still to be submitted. He said that the future application would include a bus turning area. He also advised that his client was committed to looking at renewables. He referred to concerns about pot ale and confirmed that there was no intention of spreading this on the land and that this would go down through the sea outfall which would be subject to legislation.

Referring to roads, ferries and utilities, he confirmed that his client was committed to working with parties on the island to address these and improve facilities on the island. His client was also committed to providing the ecology plan to ensure there were no other ecological issues. His client was committed to working with Islay Community Council and other parties on the island to ensure this development did not have a detrimental impact on the island.

Consultees

Islay Community Council

Ms Whyte thanked Mr Horner for his comments which, she said, sounded very positive. She pointed out that when the Applicant first showed their plans these included housing for staff and the Community Council had shown their appreciation of that. However the next plans submitted omitted this housing which was disappointing. She advised that, going forward, if the Applicant was successful, the Community Council would be delighted that staff housing would still be part of it. She pointed out that it was very important when looking at the number of staff required that housing would be needed. She said she doubted that all staff would

come from the island so housing would be required for people moving on to the island. She referred to the local airport advertising and recruiting a new member of staff. She advised that this job had been accepted and then had to be declined as the person had been unable to secure housing. She said that was why the Community Council were asking Argyll and Bute Council to make it an obligation to run co-terminus with this application.

Ms Whyte said she was delighted to hear the pot ale would not be spread on the land and said that in the Applicant's original submission it stated that it would be spread.

On behalf of Islay Community Council she was delighted to hear the Applicant was committed to working with them. She advised that Islay's brand was international and when you took something away, it was only right to give something back to the community. She said the Community Council would be delighted to work alongside the Applicant on an Islay Fund like the Timber Extraction Fund. If this application was successful, she confirmed that Islay Community Council would be ready and willing to work right away with the Applicant.

Roads

Mr Ross said he was a bit concerned if the bus turning area was tied into housing that might or might not happen. He asked the Applicant to look again to see if this could be incorporated into the current development. He advised that this could be used by the local service bus, dropping off visitors, which, he said, would be of advantage to the distillery. He asked if the bus turning area could be looked at now rather than sometime in the future. He pointed out that any housing over 5 dwellings would require a road to be made up to adoptable standards. He confirmed that the bell mouth issue had been addressed and concern about pedestrians walking down the distillery road had also been addressed with the Applicant agreeing to put up signage directing pedestrians to the path.

Biodiversity

Mrs Curran-Colthart said she looked forward to receiving the Site Biodiversity Action Plan in order to ensure that it was fit for purpose and workable.

Supporters

Councillor Currie made a direct plea that the Council, through Roads and Infrastructure, continue to hold discussions with the Applicant as he strongly believed that improvements could be made to the road in terms of road safety and traffic management, particularly at the school.

Objectors

Dr McGrann advised that as Chair of Islay Community Access Group, he welcomed the commitment the Applicant has made to engage with the Group. He thanked Councillor McCuish for introducing the concept of partnership working.

As a resident of Islay, he accepted that this application for planning permission had to be dealt with on individual merits but pointed out that if you lived in a community you were aware of the surroundings. He referred to the development of another

distillery at the other end of the village and said there needed to be justification when applications were granted. He advised that he was grateful to Councillor Currie for raising the issue of road safety particularly around the school. He said he was mindful of the increased production of all the distilleries and the increased use of HGVs which were having a significant effect on the roads and walls continuing along these roads. He advised that continued rumblings and vibrations were causing damage to the walls. He said technographic reports did not act as a proxy for measuring quality of life. He asked Members to consider that when making their decision.

The Chair confirmed that everyone had received a fair hearing. In terms of the Councillors' National Code of Conduct, Councillor Robin Currie, Supporter, left the meeting at this point.

DEBATE

Councillor Hardie advised that having heard all the evidence he was of the opinion that the application should be granted for the reasons which could be found in the planning report (page 3 of Agenda pack) – The proposal will deliver sustainable economic development within an 'economically fragile area' in a manner which, notwithstanding the concerns expressed by third parties, will not give rise to any unacceptable, or significant adverse effect upon the receiving environment. The proposal satisfies development plan requirements and there are no material considerations which would indicate the need to withhold consent in this case.

Councillor Freeman said there had been a lot of comment about fragile communities and, whether or not Islay was fragile, he considered all island communities to be fragile and it was important to do all we could to support them and to reverse the trend of depopulation of the islands. He noted that Islay has seen very low unemployment figures and suggested this was because people had to leave the island to find employment. He advised that employment figures were not a factor. He said that this was the sort of application that he believed most communities would bite their hands off to have such a development. He noted that Officers have highlighted the proposal fully complied with the Local Development Plan. He acknowledged the issues raised re road safety but said he has never believed these indirect issues could not be overcome. He advised that he believed all the conditions with this application have been achieved and that he had no hesitation in supporting the application.

Councillor Colville advised that last week he had attended a meeting of the Northern Roads Collaboration Forum to look at the work initiated by Councillor Robin Currie. He advised that Council officials were working with the Northern Roads Collaboration to get permanent funding and this application could only add weight to that argument. He welcomed the Applicant's commitment to Islay and Argyll and Bute as the proposal would benefit the whole of Argyll and Bute. He said that much was said about employment on the island and he commented that this was a good problem to have. He said he would have no hesitation in supporting this application.

Councillor Moffat advised that she did not support this application at the moment. The reason for this being there were no housing plans. She said she did not think for a moment that Covid had held everything up. She commented that intense planning had gone into how the distillery would look. The problem she had was giving planning permission in the hope that X, Y or Z happened in the future. She pointed

out that there did not necessarily need to be housing according to the LDP at the moment. She referred to hearing about housing for visitors and then that not being the case. She said she was aware of the carry on with the ferries and state of the roads and advised that unless these things were tied down she would have to agree that this was a step too far as some of the locals have been saying. She advised that she would like the housing question tied down and she wanted the roads infrastructure to be at a level the Roads Department have requested. She commented that last week the Committee had considered an application which would generate 200 jobs on the Island of Bute. She said she was the only local Member on the Committee and that development was on an appropriate site so she had to pass it as Bute was one of the most deprived areas within Argyll and Bute. She commented that Islay was fortunate not to be deprived that the Committee could allow a distillery to go through without strengthening the infrastructure. She said she would only want this to go ahead on condition that the infrastructure reports were done.

Councillor McCuish said he shared some of Councillor Moffat's concerns. He advised he was comfortable with the explanation the Applicant had given to say why these houses would not go ahead as part of this application. He said he was delighted to hear that Islay Community Council would be more than happy to get together with the Applicant to see what the requirements would be for the future. He advised that he was grateful for the work done by Councillor Currie, which would now be taken on by Councillor Colville. He commented that this was good but as it was known how slow the Scottish Government and Westminster could be, he urged Islay Community Council to get the local Islay Fund up and running as there was a real need to improve what was being done out there to make sure money was directed to proper housing and infrastructure. He advised he had no reason not to support this application.

Councillor Trail said he had been quite surprised at the number of objections that had come in against the proposal as this seemed a very good project from his point of view. He advised that his only worry was the economic diversity or lack of it. He pointed out that Islay was becoming more independent on the drinks industry with more than a dozen planned in one form or another. Apart from that, he advised he would have no hesitation in granting this application.

Councillor Devon said she felt confident that the information put before the Committee had allowed her to make an informed decision. She confirmed that she would go with the Officer's recommendation to approve this application.

Councillor Douglas said that she had listened to all that had been said by previous Councillors. She commented that she had slight concerns around housing as she thought it could have a huge impact but noted that there seemed to be something in the pipeline so the issue was not being totally ignored. She said she hoped that this would be pushed forward to find some kind of resolution as soon as possible. She advised that she felt heartened to hear from Rachel Whyte from the Community Council that there would be some kind of communication between the Applicant and the Community Council in moving this forward and as it stood she would be happy to support the Officer's recommendation.

Councillor Green said he thought this application built on the history and heritage of Islay – the tradition of whisky making - and he advised that he thought this proposal would be a positive contribution to the local economy so he was minded to support it.

Councillor Kinniburgh passed on his thanks to everyone that had made presentations today. He commented that they were very thorough and covered a lot of points and concerns people had. He referred to hearing through the Applicant that they would be willing to work with the community and he hoped that this would take away a lot of the fears the objectors had. He said it was always good to have an Applicant happy to work with the community for the betterment of an area. He pointed out that there was a need to be mindful of what was classed as a material consideration and what was not. He referred to hearing about housing and commented that this would be good to have but the Committee could only consider what was in front of them today. He said it would have been nice to see houses and it would have been nice if these had been part of the application, likewise the bus turning circle. He noted the Roads Officer had no objection but this was something he would have liked to have seen. Councillor Kinniburgh advised that this may be picked up in a future application and on that basis he would have no hesitation in support the Officer's recommendation that the application be approved. Councillor Kinniburgh formally moved that the application be granted subject to the conditions detailed in the report of handling and this was seconded by Councillor Freeman.

Councillor Moffat sought to put forward an Amendment which was found not to be competent.

DECISION

The Committee agreed to grant planning permission subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 5th December 2019 the Environmental Statement dated December 2019, Outline Peat Management Plan dated 7th April 2020 and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

The developer and subsequent operator(s) shall at all times construct and operate the development hereby permitted in accordance with the provisions of the Environmental Statement accompanying the application with mitigation measures adhered to in full, and shall omit no part of the operations provided for by the permission except with the prior written approval of the Planning Authority.

Plan Title.	Plan Ref. No.	Version	Date Received
Landscape sections	700	P02	10/12/2019
Junction visibility splay	EC21317:00:1009	A	15/04/2020
Proposed long sea outfall and sea water intake	EC21317:00:1007	-	10/12/2019
Proposed reservoir plan and section	EC21317:00:1008	-	10/12/2019
Existing and proposed junction layout	EC21317:00:1010	A	15/04/2020

Road construction details	EC21317:00:1015	-	10/12/2019
Proposed site access road long sections	EC21317:00:1012	A	10/12/2019
Drainage Construction Details	EC21317:00:1013	-	10/12/2019
Proposed site access and road layout	EC21317:00:1011	A	15/04/2020
Timber screen fence	902	-	10/12/2019
Pedestrian gate	901	-	10/12/2019
Landscape layout	001	P05	10/12/2019
Drystone boundary wall	900	-	10/12/2019
Proposed surface and foul water drainage plan	EC21317:00:1006	B	15/04/2020
Site location plan	EC21317:00:1001	-	10/12/2019
Existing site layout	EC21317:00:1002	-	10/12/2019
Proposed distillery site plan	EC21317:00:1004	B	15/04/2020
Proposed site layout	EC21317:00:1003	A	15/04/2020
Ground floor plan	00-DR-A-00001	3	10/12/2019
First floor plan	01-DR-A-00001	3	10/12/2019
Second floor plan	02-DR-A-00001	3	10/12/2019
GA – Ground floor plan A0	00-DR-A-00002	1	10/12/2019
GA – First floor plan A0	01-DR-A-00002	1	10/12/2019
GA – Second floor plan A0	02-DR-A-00002	1	10/12/2019
Elevations	ZZ-DR-A-00100	3	10/12/2019
Courtyard Elevations	ZZ-DR-A-00101	2	10/12/2019
GA plan – Roof	RF-DR-A-27001	3	10/12/2019
GA plan – Roof A0	RF-DR-A-27002	1	10/12/2019
Proposed vaulted warehouse plan, section and elevation	EC21317:00:1005	-	10/12/2019
Tasting lodge ground floor plan	A21-01-01	2	10/12/2019
Private tasting lodge elevations	A30-02-01	4	10/12/2019
Existing culvert location	EC21317:00:1018	-	15/4/2020
Site sections	ZZ-DR-A-90001	3	10/12/2019
External lighting	96:001	-	10/12/2019

Reason: For the purpose of clarity, to ensure that the development is constructed and operated in the manner advanced in the Environmental Statement, upon which the environmental effects of the development have been assessed and determined to be acceptable.

2. No development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to minimise the effects of construction upon the receiving environment.

3. The Noise Rating Level attributable to the operation of the approved distillery operation shall not exceed background noise levels by than 3dB (A) at any residential property measured and assessed in accordance with BS 4142:2014. Prior to the commencement of the operation of the developer shall submit a report for approval by the planning authority which demonstrates compliance with the noise limit contained in this condition.

Reason: In order to protect the amenities of the area from adverse noise impact.

4. No construction plant and / or machinery shall be operated on the site outwith the following times 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday nor at any time on Sundays or Public Holidays unless otherwise approved in writing by the planning authority in consultation with Environmental Protection.

Reason: In order to protect the amenities of the area from adverse noise impact.

5. Prior to the commencement of works the applicant shall submit a Site Biodiversity Action Plan to the planning authority for approval. Works shall then proceed as per the approved SBAP. The SBAP shall contain commentary on how it has put into practice those comments made in the Biodiversity Officer consultee response dated 30th January 2020.

Reason: In the interests of biodiversity gain and enhancement.

6. Notwithstanding the provisions of Condition 1, the proposed access to the distillery complex shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/001a and visibility splays of 136 metres to point X by 2.4 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

7. Notwithstanding the provisions of Condition 1, the proposed access to the reservoir shall be formed in accordance with the Council's Roads Standard

Detail Drawing SD08/001a and visibility splays of 136 metres to point X by 2.4 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter. Headwalls to be constructed at each end of the culvert under the junction.

Reason: In the interests of road safety.

8. No work shall start on site until the applicant has submitted details for the road crossing for the water supply pipe, for approval by Roads & Infrastructure Services. Details to include the following:
- Plan showing the proposed road crossing at ninety degrees to the public road.
 - Plan showing the proposed duct for pipeline out with the public road corridor.
 - Section through public road showing a duct for the proposed pipeline, minimum cover from carriageway level to top of duct to be no less than 1.00 metres. Minimum cover from invert level of roadside ditch to be no less than 600 mm. Duct to start and finish out with the public road corridor.
 - Plan showing the position of marker posts for proposed road crossing.
 - Drawing showing details of marker posts.
 - The duct to be a twinwall pipe with a concrete surround. Duct to start and finish out with the public road corridor.

Reason: To ensure the safe crossing of the water supply in relation to the public road.

9. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority. This shall be designed in accordance with Sewers for Scotland 4th Edition and CIRIA c753.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

10. The tasting lodge hereby approved shall be implemented with a finished floor level of 5m above ordnance datum.

Reason: In order to secure the tasting lodge from an unacceptable risk of flooding.

11. Prior to the commencement of works on the reservoir a detailed design of the storage reservoir that will include mitigation for severe weather events shall be submitted to and approved in writing by the Planning Authority.

Reason: To reduce the risk of damage caused by potential storm events.

12. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority in consultation with HES with respect to mitigation for the protection for the nearby historic environment assets.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

13. At least two months prior to the commencement of development, an Environmental Management Plan (EMP) detailing all mitigation and pollution prevention measures to be implemented during construction and the lifetime of the development shall be submitted to and agreed by the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This should address all aspects of the construction process which might impact on the environment, including in particular, excavations and other earthworks, a management/reinstatement scheme for peat areas, the construction works associated with upgraded watercourse crossings, the management of waste streams, the timing of works to avoid periods of high rainfall; along with monitoring proposals, contingency plans and reinstatement measures. The development shall be implemented in accordance with the provisions of the duly approved EMP or any subsequently agreed variation thereof.

Reason: In the interests of pollution control and protection of the water environment.

(Reference: Report by Head of Development and Economic Growth dated 8 May 2020 and supplementary report number 1 dated 25 November 2020, submitted)