

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 21/01629/PAN

Applicant: Gearach Limited

Proposal: Proposal of Application Notice for proposed distillery

Site Address: Gearach Farm (ili Distillery), Port Charlotte, Isle Of Islay

1.0 INTRODUCTION

Proposal of Application Notices (PAN) only relate to National and Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application. The PAN is the start of a minimum 12 week period to allow for community consultation before an application can be lodged.

In considering this item Members should restrict comments to issues relating to the material considerations which may be relevant in the determination of the proposed development and should refrain from expressing opinion as to the likely acceptability of development in advance of any subsequent application being presented for determination. Any opinions or views expressed by Councillors at the pre-application stage must be made mindful of the overarching requirements of fairness and impartiality and of keeping an open mind. The process provides opportunity for Officers to give feedback to the prospective applicant on issues which Members would wish to see addressed within the planning application submission.

2.0 BACKGROUND

The PAN is for a proposed distillery, related purposes and a visitor centre. Associated and ancillary development is to include warehouse buildings, services and hardstanding areas, parking, access roads and footpaths.

Associated plant and infrastructure is to include renewable energy infrastructure (hydrogen plant, solar panels and a wind turbine up to 76.5 metres high to blade tip), drainage arrangements, electrical sub-station and hard and soft landscaping.

Two buildings are envisaged. North of the Port Charlotte to Kilchiaran road towards Loch Gearach is the distillery, cafe, shop and tour building. South of the road is a building to replace an existing cattle shed for grain storage, distilling by-product management and barrel warehousing.

The normal expectation of planning officers would be for a consultation process involving face to face meetings with local stakeholder groups and an open event for members of the public. The current COVID-19 pandemic and rules on social distancing has meant that a public meeting and 'drop in' session has not been possible. However, the Scottish Government has introduced flexibility to the method of public consultation through the Chief Planner's letter dated 3rd April 2020. This letter accepted the difficulties with respect to public gatherings but still placed the onus on the applicant to conduct stakeholder consultation.

Having regard to the requirements of Regulation 7(2) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 a public event where members of the public may make comments to the prospective applicant/agent as regards the proposed development will be held at venues to be advised with a minimum of seven days published notice. Below is a summary of the proposed measures for public engagement:

- Local and national elected members were advised of the PAN on 17th August 2021.
- Online Consultation Event No. 1 <https://iliwhisky-consultation.co.uk> 30th September 3pm-7pm.
- Online Consultation Event No. 1 <https://iliwhisky-consultation.co.uk> 4th November 3pm-7pm.
- The closing dates for comments will be the 14th October and the 18th November.
- Flyer / Letter distribution to appropriate business and household addresses within a 5km radius of the site at least 7 days prior to first consultation event. Distribution 21st September for event No. 1 and 28th October for event No. 2.
- Project-specific website <https://iliwhisky-consultation.co.uk> to be live no later than 23rd September updated with relevant information on a regular basis prior to submission of application.
- Oban Times adverts in editions 23rd September and 28th October.
- Further publicity will be given in newspaper articles. Posters will be displayed on local noticeboards and where possible in local shops and other facilities.

Officers consider that the proposed measures meet with the requirements as set out in Scottish Government Circular 5/2009 taking account of the aforementioned Chief Planner's letter.

3.0 LOCATION, SITE HISTORY AND DESCRIPTION

The application site lies within the countryside west of Port Charlotte Islay and is identified in the Local Development Plan Spatial Strategy as a 'Tourism Development Area' (existing distilleries are considered to be key tourist attractions). A number of nature designations are also identified in the spatial strategy, and the entire island is designated a 'Water Conservation Area'. The majority of the site is located within the countryside zone as defined by the Local Development Plan. The scale of the intended development is 'large' in terms of the typologies established by the LDP (site in excess of 2 hectares).

The northern part of the site (defined by the road) is intended for the distillery, offices, retail, parking and the tourism offering. The southerly for warehousing and mixed source energy generation and storage. The southerly part of the site is within a Rural Opportunity Area (ROA) as defined in the Local Development Plan (approved 2015)(LDP) and located 3.5km west of Port Charlotte and on the south of the road. There is a derelict single storey building (700sqm) on site. The remainder of the site to the north is within the Countryside zone and there is no planning history of the site in the last 30 years. We expect one application to cover the changes of use to General Industry, Storage or Distribution and Tourism/Retail.

Officers consider that the potential main determining issues in respect of the proposal are likely to be:

- location, nature and design of the proposed development;
- landscape and visual impact;
- impact on the natural environment;
- impact on the historic environment;
- impact on road network, parking and associated transport matters;
- infrastructure (water and drainage);
- flooding;
- economic considerations;
- health and safety implications; and;
- lighting and noise, dust, glare, flickering and vibration.

4.0 DEVELOPMENT PLAN POLICY & OTHER GUIDANCE

These submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. In considering the merits of the PAN a number of Development Plan Policies will inform the assessment of any future detailed application as set out below:

‘Argyll and Bute Local Development Plan’ Adopted March 2015

Argyll and Bute Local Development Plan adopted March 2015

Policy LDP STRAT 1— Sustainable Development

Policy LDP DM1—Development within the Development Management Zones

Policy LDP 3—Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 5—Supporting the Sustainable Growth of Our Economy

Policy LDP 8 – Supporting the Strength of our Communities

Policy LDP 9—Developing Setting, Layout and Design

Policy LDP 10—Maximising our Resources and Reducing our Consumption

Policy LDP 11—Improving our Connectivity and Infrastructure

‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ (Adopted March 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity

SG LDP ENV 6 – Impact on Trees / Woodland

SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves

SG LDP ENV 7 – Water Quality and the Environment

SG LDP ENV 8 – Green Networks

SG LDP ENV 10 – Geodiversity

SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape

SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

Support for Business & Industry: General

SG LDP BUS 2 – Business & Industry Proposals in the Countryside Zones
SG LDP BUS 5 – Economically Fragile Areas

Support for Industry And Business – Main Potential Growth Sector: Tourism

SG LDP TOUR 1 - Tourist Facilities and Accommodation, including Static and Touring
SG LDP TOUR 3 – Promoting Tourism Development Areas

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 3 – Drainage Impact Assessment
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 - Flooding and Land Erosion the Risk Framework for Development
SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP Sust Check – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements
SG LDP TRAN 6 – Vehicle Parking Provision

Retail Developments (including changes of use to and from shops)

SG LDP RET 4 – Retail Development within Countryside Development Management Zones

Planning Gain

SG LDP PG 1 – Planning Gain

Departures from the Local Development Plan

SG LDP DEP 1 – Departures to the Local Development Plan

Bad Neighbour Development

SG LDP BAD 1 – Bad Neighbour Development

Local Development Plan Schedules

Note: The Full Policies are available to view on the Council's Web Site at: www.argyll-bute.gov.uk

5.0 POTENTIAL MATERIAL CONSIDERATIONS

In addition to the adopted Local Development Plan (March 2015) the planning authority will need to consider the following potential material considerations. Furthermore, depending on the timing of the submission there may need to be a formal assessment against the policies proposed within LDP 2.

- Scottish Planning Policy
- Planning history

- Statutory and non-statutory consultee responses
- Potential third party representations that raise material planning considerations
- Local Development Plan 2 Proposed November 2019

6.0 CONCLUSION

This report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date as noted above. The list is not exhaustive and further matters may arise as and when any planning application is received, and in the light of public representations and consultation responses.

7.0 RECOMMENDATION

It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN in order to allow any matters to be considered by the applicant in finalising any future planning application submission.

Author of Report: Derek Wilson

Date: 01.09.2021

Reviewing Officer:

A handwritten signature in blue ink that reads "Fergus Murray". The signature is written in a cursive style with a horizontal line underneath the name.

Date: 3rd September 2021

Fergus Murray
Head of Development and Economic Growth