

Delegated Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 20/02337/PP
Planning Hierarchy: Major
Applicant: Ardnahoe Distillery Company Ltd
Proposal: Erection of whisky maturation warehouses and associated works
Site Address: Ardnahoe Distillery Port Askaig Isle Of Islay PA46 7RN

DECISION ROUTE

- Local Government Scotland Act 1973
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(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 9no. whisky storage buildings (Use Class 6 Storage and Distribution)
- Erection of dunnage warehouse
- Construction of access tracks and hardstanding areas
- Landscaping and natural screening works
- Formation of wetland basin
- Formation of earth bunds

(ii) Other specified operations

- Removal of rock and soil and form mini cliff faces
 - Installation of surface water drainage system
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(B) RECOMMENDATION:

Recommend that Members endorse the Area Capacity Evaluation (ACE) and grant planning permission subject to the conditions and reasons attached. The ACE is the full report attached as Appendix B to this document.

(C) CONSULTATIONS:

Area Roads replied 12.02.2021 with no objections subject to conditions.

Flood Risk Assessor replied 05.02.2021 with no objections

Core Paths did not respond

Environmental Health replied 02.02.2021 with no objections with conditions

Islay Community Council replied 22.02.2021 noting the contribution by roads and infrastructure.

Nature Scot replied 21.05.2021 with advice regarding the Jura NSA and native species of flora and fauna.

SEPA – Comments awaited, but expected in advance of PPSL meeting

(D) HISTORY:

15/03383/PP Erection of distillery and visitors centre, installation of sewage treatment and formation of vehicular access 05.05.2016. Withdrawn.

16/01335/PP Erection of distillery and visitors centre, installation of sewage treatment, private water supply, outfall pipe to coastal water and formation of vehicular access. 23.09.2016. Approved.

16/03215/NMA Non material amendment to planning permission 16/01335/PP (Erection of distillery and visitors centre, installation of sewage treatment, private water supply, outfall pipe to coastal water and formation of vehicular access.) Amendment to external dimensions of Still House Building, enlargement of Worm Tubs and alteration of Window/Door Openings. 24.08.2017. Withdrawn.

17/02212/NMA Non material amendment to planning permission 16/01335/PP (Erection of distillery and visitors centre, installation of sewage treatment, private water supply, outfall pipe to coastal water and formation of vehicular access.) Addition of finished material choices, fenestration and process plant. 03.11.2017

17/02875/NMA Non Material Amendment to Planning Permission Reference 16/01335/PP (Erection of distillery and visitors centre, installation of sewage treatment, private water supply, outfall pipe to coastal water and formation of vehicular access.) Various minor amendments. 07.12.2017. Withdrawn.

18/01092/PP Erection of timber clad pump house enclosure to facilitate water pumps and creation of adjacent layby (part retrospective) 25.10.2018. Approved.

18/01427/NMA Non Material Amendment to planning permission reference 16/01335/PP (Erection of distillery and visitors centre, installation of sewage treatment, private water supply, outfall pipe to coastal water and formation of vehicular access.) Amendments to wall vents. 09.07.2018. Approved.

18/01524/ADV Retention of 5 signs (illuminated and non-illuminated) (part retrospective) 06.06.2019. Permitted.

18/02236/PP Use of part of distillery building as cafe/bar and revised car parking 16.05.2019. Permitted.

20/01714/PAN Proposal of Application Notice for the erection of whisky maturation warehouse and associated works 21.10.2020. Closed.

(E) PUBLICITY:

Regulation 20 advert expired 04.03.2021

Neighbour Notification expired 18.02.2021

(F) REPRESENTATIONS:

Objections

Dietmar Finger, Carnduncan Gruinart Isle Of Islay PA44 7PS (17.02.2021)

Dr Stephen Rogers, Carraig Mhor Emerivale Port Ellen Isle Of Islay PA42 7AL (16.02.2021)

Nigel Brown Ardnahoe Bothy Port Askaig Isle Of Islay PA46 7RN 02.03.2021, 20.05.2021, 28.07.2021)
Helen Brown Ardnahoe Bothy Port Askaig Isle Of Islay PA46 7RN (02.03.2021, 20.05.2021, 28.07.2021)

Support

None

Representation

Michael Russell No Address Given (05.03.2021) Notes that due planning process should be followed with particular regard to roads and access and location for industrial units.

ii) Summary of issues raised:

1. The original application specifically did not require any storage. Location of industrial style units and scale within rural area.

Comment: During remodelling of the site to realise the visitor centre investment was made to increase the ability to produce the liquor which is distilled to produce whisky. This production increase to above the original 500,000 litres has resulted in a decision to apply to store this increased production on site.

2. The exceptional case for using the countryside zone has not been made in terms of distillery expansion, increased demand, locational need with regards to the wider industry on the island.

Comment: The applicant has demonstrated a need for the facility and undertaken a sequential assessment that has demonstrated the suitability of the site in terms of an exceptional case. The site is partially within the Rural Opportunity Area although a substantial part of the infrastructure including water management, landscaping and wildlife considerations will be in the countryside. Much of the land required for the warehousing will be within the current Rural Opportunity Area. The Area Capacity Evaluation (ACE) required for large scale development in this area has been completed by council officers and is supportive. The report and Appendix B are attached. The increased demand point will be addressed in the comments for point 4.

3. The proposal is over capacity for the needs of the distillery and the business model includes storage for other distilleries on the island thus increasing traffic on the unsuitable road. No permission has been given to increase production to 1 million litres.

Comment: The increased demand points are addressed below. The proposed storage is based on a 30-40 year model for storage of Ardnahoe products. In the short to medium term the spare capacity will be offered to other distilleries as a service to the industry on the island and a cash flow generation for Ardnahoe. Sufficient evidence has been produced that demonstrates a general lack of such facilities on the island. It is more sustainable to produce and store the product on the island. The applicant has accepted a planning condition to limit the storage offered for non-Ardnahoe products.

4. The requested storage capacity is far higher than the permitted output requires

Comment: The distillery was originally designed to achieve an output of 500,000 litres pa, premised on the distillery incorporating four 12m³ washbacks. However,

when re-arranging the internal layout of the distillery to accommodate the visitor centre, they were able to commit investment in the acquisition of four 24m³ washbacks. These larger washbacks, allow for two mashes to go into each washback instead of one, allowing the distillery to achieve more than the originally planned 500,000 litres pa and giving their business the capacity to increase production and therefore the requirement for storage.

5. The case for not having phased development has not been made to be considered an exceptional case.

Comment: The council's officers have considered this aspect as part of the Report of Handling and a fuller commentary will appear in Section P.

6. Island storage demand is decreasing and therefore there is no case for increased warehousing at this site.

Comment: There are applications for increased storage in preparation or under consideration at other sites on the island. The council officers have considered this aspect as part of the Report of Handling and a fuller commentary will appear in Section P.

7. Permissions for increased storage on other sites on the island do not represent justification in this case.

Comment: Noted.

8. The model for maturation on the island and the acceptance of whisky from other distilleries may encourage importation of whisky to the island.

Comment: The decrease of available storage to other distilleries over time, to zero availability would necessarily lessen the attraction to import to the Ardnahoe site from other parts of Scotland. Furthermore, planning conditions can limit the importation of product.

9. The case for not using other sites may also be the case for not using this site.

Comment: The applicant has submitted a justification and this is detailed in appendix A.

10. Apart from the Dunnage warehouse the proposal does not present a significant employment increase or revenue generator from tourism.

Comment: Any employment increase is welcomed by the council as a key objective. It is also noted that the market for personal cask investment is growing which results in additional visits to see the cask in situ. It is accepted that the main revenue generator is the increase in the volume of whisky produced as a product profit although increased visibility in international markets may also have a tourism spend effect.

11. The recent demolition of warehousing and under use of warehousing on the island suggests there is no requirement in this area. As per the LDP business development should be at designated business sites.

Comment: The facilities at Bunnahabhain were taken down on advice of the Health and Safety Executive as being dangerous to enter and certainly unsuitable for

storage and distribution facilities. Recent enquiries suggest that there is a demand for warehousing.

12. The over reliance on a single employment sector on the island where the goods produced may face difficult market conditions due to climate and political considerations. The intensification of the alcohol sector is having a detrimental effect on the local and visitor populations.

Comment: Noted.

13. Further development at six other spirit based sites on the island requiring human and transport resources.

Comment: Noted

14. Scenic impact within the landscape especially from Jura and ferry/boat traffic.

Comment: The ACE (see point 2) has been conducted with these points as a consideration of the "compartment" of study regarding the Visual Impact Assessment. The council's officers have considered this aspect as part of the Report of Handling and a fuller commentary will appear in Section P.

15. Insufficient spacing between warehouses and therefore for adequate landscaping

Comment: The proposal is to concentrate the landscaping to the north/east of the site as there is no barrier to the remaining natural ground leading to The Sound of Jura. Additionally, the plantings will increase screening over time from views across The Sound. The plantings between the warehouses will be mainly grass.

16. Loss of natural terrain

Comment: It is not deemed that ground preparations for the proposed site will result in an unacceptable loss of terrain. The existing land to the north and east will not be altered to any extent save to allow additional plantings within the existing natural woodlands.

17. Loss of amenity for local residents due to traffic, work activity and noise.

Comment: These concerns are noted and the council's officers have considered this aspect as part of the Report of Handling and a fuller commentary will appear in Section P.

18. Increased traffic impact on roads and ferries capacities and infrastructure.

Comment: These concerns are noted and the council's officers have considered this aspect as part of the Report of Handling and a fuller commentary will appear in Section P.

19. Emergency services hindered by cars leaving any incident at the site on narrow roads.

Comment: This concern has been noted and the plans to upgrade the access road to the satisfaction of the emergency services and the authority are at an advanced stage.

20. Projected 7500 vehicle movements in the construction phase. Previous planning conditions have not been adhered to re traffic movements due to lack of enforcement.

Comment: The applicant has always worked with the planning department to resolve any breaches of planning control. Equally, this is a public road and the planning department has no control over the volume of vehicular movements. A planning condition will require a traffic management plan during the construction phase and the applicant has committed to significant road upgrades.

21. Passing places inadequate and potholed and require upgrade to a standard capable of accommodating heavy vehicles.

Comment: This concern has been noted and the plans to upgrade the access road to the satisfaction of the emergency services and the authority are at an advanced stage with the applicant via the Roads Authority.

22. Accommodation inadequacy for contractors and increased workforce. The construction of the warehouses will have minimal contribution to the local economy due to lack of indigenous workforce.

Comment: The proposal is not being phased partly in consideration of this issue of importing workforces. A continuous work plan to completion allows the applicant and their agents to co-ordinate suitable accommodation and infrastructure.

23. Light pollution increase in a dark skies area.

Comment: The council's officers have considered this aspect as part of the Report of Handling and a fuller commentary will appear in Section P.

24. Bad Neighbour regarding fungus growth on cars and houses and flammables under COMAH.

Comment: There is a requirement for separate Hazardous Substances Consent which will allow the Health and Safety Executive (HSE) to consider matters relating to safety of storage of flammable liquids. This is supported by the fact that there are numerous distilleries and maturation warehouses located across Islay, in very close proximity to residential properties, where there are no such issues. For example, Bowmore Distillery and their warehouses in the middle of Bowmore, located immediately adjacent to residential properties, and there are no such issues. The same can also be said at Port Ellen, where large numbers of homes are located in very close proximity to existing distilleries and maturation space. There are also climatic conditions to consider, particularly the prevailing south westerly wind and the distance between the nearest residential property to the application site. Taking these matters into account, we do not consider this to be an issue.

25. Effect on protected species e.g. corncrake and otters under European regulations. Ecology surveys (2016) out of date.

Comment: Nature Scot responded as a consultee with advice regarding safeguarding native species of fauna and introducing native species of flora. This has been addressed in the landscape plan and will be conditions of any approval.

Has the application been the subject of:

- | | | |
|-------|--|-----|
| (i) | EIAR: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement:
Design and Access Statement: | Yes |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:
Site appraisal, Planning context, Design principles.
Landscape and Visual Impact Assessment:
Methodology, Legislative and planning context, Landscape baseline conditions, Visual baseline conditions, Landscape and visual mitigation, Landscape effects, Visual and cumulative effects. | Yes |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required:	No
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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

‘Argyll and Bute Local Development Plan’ Adopted March 2015’

LDP STRAT 1 – Sustainable Development
 LDP DM 1 – Development within the Development Management Zones
 LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
 LDP 5 – Supporting the Sustainable Growth of our Economy
 LDP 8 – Supporting the Strength of our Communities
 LDP 9 – Development Setting, Layout and Design
 LDP 10 – Maximising our Resources and Reducing our Consumption
 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 7 – Water Quality and the Environment

SG LDP ENV 10 – Geodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)
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 Caravans
SG LDP TOUR 3 – Promoting Tourism Development Areas

Planning Gain

SG LDP PG 1 – Planning Gain

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Bad Neighbour Development

SG LDP BAD 1 - Bad Neighbour Development

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 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP Sust Check – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 1 – Access to the Outdoors
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

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- Scottish Planning Policy
- Consultation responses statutory and non-statutory

- Planning history
- Third party representations that raise material planning considerations
- Argyll and Bute proposed Local Development Plan 2 (November 2019) – *The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:*
 - Policy 14 – Bad Neighbour Development
 - Policy 23 – Tourist Development, Accommodation, Infrastructure and Facilities
 - Policy 24 – Existing Tourism Uses
 - Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
 - Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
 - Policy 38 – Construction Standards for Public Roads
 - Policy 39 – Construction Standards for Private Access
 - Policy 41 – Off Site Highway Improvements

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes – Screened under Reg. 11 – 12th February 2021

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes

(M) Has a sustainability check list been submitted: Yes

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No – The application is being presented to PPSL as a result of the original Ardnahoe Distillery approval stating that no warehousing would be required and Members, at that time, approving an ACE. Guidance states that the degree of local interest and controversy on material considerations, in this case the relative size of community affected set against the relative number of representations, and their provenance will allow discretion. This proposal provides sufficiently complex matters necessary to present the application to PPSL for determination but is not deemed to raise levels of public interest or complexity to warrant a hearing.

(P) Assessment and summary of determining issues and material considerations

The proposal is to build nine near identical spirit warehouses to the north west of the existing distillery and a dunnage warehouse beside the distillery and qualifies as a major application under the terms of the Hierarchy of Development (Scotland) Regulations by virtue of site area. A new circuit road system will serve all the warehouses and connect to the existing distillery roads and to the main road. Surface works for drainage, rock removal and levelling of the site and further landscaping are also in the proposal. The proposal is to develop a natural part of the wider distillery

curtilage for Land use Class 6 Storage and Distribution as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1992.

The development will total 9,745 sqm of warehousing for storage and maturation of the spirit distilled in the neighbouring building. The proposed space will have the capacity to accommodate the equivalent of 66,260 casks, broadly equating to 6,000 casks per year. A typical cask will hold approx. 210 litres. The storage of 18 to 30 year old spirit is such that there will not be a high level of cask movement. A significant proportion of the proposed warehouse space will therefore be taken up in the first 10 years. The distillery has the ability to increase outputs to up to 1million litres per year due to changes in their abstraction license from SEPA and production efficiencies

The proposal is measured principally against policy LDP DM1(E) which requires an exceptional case to support a large scale development which is not defined as infill, rounding off, redevelopment or change of use of existing buildings. Given the site's straddling between ROA and countryside and the scale of the works, policy requires an Area Capacity Assessment (ACE) to be undertaken by council officials to assess the site and wider situation of the proposal. A separate report in this regard has been prepared as an appendix of this report examining and expanding this policy assessment.

An exceptional case was presented demonstrating this as an appropriate site. In the absence of a large warehousing facilities which may be used island wide the options tend to be on site storage, shared storage and transport to the mainland. Overall capacity at most existing warehousing is, or is close to, being reached. The option of mainland storage is deemed to increase traffic with what may be unnecessary traffic movements compared to on-site availability. The proposers also state that an economic advantage may be gained by the supply of Islay matured whiskies at a premium price. Additionally it has been stated that cask visiting is becoming popular as part of the tourism offer being developed on the island. The exceptional land use case is compelling and is deemed to be consistent with policy LDP DM1. The site is deemed appropriate due to its proximity to the distillery, relatively flat and easily prepared ground, lack of flooding potential and the ability to design and mitigate the proposal's intrusion in the landscape from key viewpoints. Additionally, road improvements which will benefit all road users are being planned proposed by the applicant through the Roads (Scotland) Act 1984.

Other discussions regarding the location, infrastructure and the alteration of the original business plan which specifically did not require storage were also deemed to satisfy the locational requirement with detailed information supplied by the applicant to support the proposal. The site selection process was examined and accepted after input from other distillers on the island. The single phase development was accepted after logistics and infrastructure advice was given and that disruption to amenity would be a single event rather than a series of disruptions over time. The detail of these points are expanded in the policy commentary of Appendix A which is part of this report.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposal represents a significant investment in the area and will result in the ability of a successful relatively new distillery to expand and realise their ambitions. The proposal has been demonstrated as consistent with policy LDP DM 1 with respect to the settlement strategy and landscape impacts. Planning conditions will ensure appropriate levels of visual mitigation including planting which will have a positive result on biodiversity and a traffic management plan which will reduce impacts on regular road users. Improvements to the public road will ensure a post-development improvement for residents and businesses.

The proposal will not give rise to any material planning considerations which would support a recommendation other than approval of an application which accords with Local Development Plan policy and relevant guidance.

(S) Reasoned justification for a departure to the provisions of the Development Plan:

N/A

(T) Need for notification to Scottish Ministers: No

Author of Report: Derek Wilson

Date: 4th October 2021

Reviewing Officer:

Date: 4th October 2021



Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/02337/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 21.12.2021, supporting information 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.

Plan Title.	Plan Ref. No.	Version	Date Received
Softworks planting layout	101 PO2		05.07.2021
Block elevations 2	19.0382-351		05.07.2021
Block elevations 1	19.0382-350		05.07.2021
Location plan	19.0382/901		22.01.2021
Drainage details	19.0382-751		22.12.2021
Landscape contours	102		22.12.2021
Landscape plan	101 Rev P01		22.12.2021
Dunnage layout	19.0382-150		22.12.2021
Proposed drainage layout	19.0382-701 Rev A		22.12.2021
Proposed roof layout block 4	19.0382-143		22.12.2021
Proposed floor layout and sections block 4	19.0382-141		22.12.2021
Site layout contour	19.0382-XX Rev A		22.12.2021
Existing site contour	19.0382-XX Rev A		22.12.2021
Proposed roof plan Block 3	19.0382-133		22.12.2021
Ground floor layout Block 3	19.0382-131		22.12.2021
Ground floor layout Block 2	19.0382-121		22.12.2021
Proposed roof plan Block 2	19.0382-123		22.12.2021
Proposed roof plan block 1	19.0382-113		22.12.2021
Ground floor layout Block 1	19.0382-111		22.12.2021
Tree Survey/landscaping	101 PO2 (2)		05.07.2021
Vehicle Swept Path Analysis	19.0382-901 Rev A		22.12.2021
Proposed landscape masterplan		1 of 1	22.12.2021

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Notwithstanding the provisions of Condition 1, the buildings hereby approved shall be used solely as bonded warehousing stores for storage of whisky and other spirit and no other use including any other purpose in Class 6 and Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Furthermore, the buildings hereby approved shall be used solely for the storage of whisky and other spirit distilled on the island of Islay. A detailed inventory of the contents of the building shall be kept and all reasonable opportunity for the inspection of this inventory shall be afforded, by prior arrangement, to any designated representative of the Council in pursuance of their duties in order to ensure compliance with the provisions of this planning condition.

Reason: In order to define the authorised use and to underpin the 'special need' argument that underlies the justification for the development as a departure to the Development Plan, and to enable the Planning Authority to control any subsequent change of use which might otherwise benefit from deemed permission that might

erode the original justification for the development, and to protect the amenity of the locale.

3. Notwithstanding the provisions of Condition 1, the development hereby approved shall be used solely for the storage of whisky and other spirit distilled on the island of Islay. After the first ten years of operation no more than 50% of the approved floorspace shall be available for the storage of production from outwith Ardnahoe Distillery, unless otherwise agreed in writing in advance by the Planning Authority. After a period of 20 years no more than 75% of the floor space shall be made available for non-Ardnahoe products. A detailed inventory of the contents of the building shall be kept and all reasonable opportunity for the inspection of this inventory shall be afforded, by prior arrangement, to any designated representative of the council in pursuance of their duties in order to ensure compliance with the provisions of this planning condition.

Reason: In order to define the authorised use and to underpin the 'special need' argument that underlies the justification for the development as a departure to the Development Plan, and to enable the Planning Authority to control any subsequent change of use which might otherwise benefit from deemed permission that might erode the original justification for the development, and to protect the amenity of the locale.

4. No development works shall commence until, a Traffic Management Plan has been submitted for the written approval of the Planning Authority in consultation with the Roads Authority. The Plan shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for an appropriate Code of Practice to drivers of construction and delivery vehicles in the transportation of materials. The plan should include all the details of equipment, plant, materials and labour required during the construction works. The plan should include details of new passing places and those to be surfaced in a bituminous material where required. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

Reason: To address abnormal traffic associated with the development in the interests of road safety.

5. No development shall commence until the developer has obtained written approval from the Planning Authority for a detailed Method Statement, following consultation with the Roads Authority. This Method Statement shall include:
 - (i) A carriageway strengthening design from the junction of the A846 to the application site. The approved carriageway strengthening works to be fully completed prior to any other works commencing on site;
 - (ii) A detailed condition survey is to be carried out between the junctions of the A846 to the application site prior to any work starting on site. The survey is to be recorded by means of video and photographs copies. This section of the road is to be subject to a weekly inspection to ensure the carriageway remains in a safe condition.
 - (iii) Details of routing of all deliveries and construction traffic;

- (iv) Details of all materials, plant, equipment, components and labour required during the construction and operational phases of the development hereby permitted.
- (v) The identification and repair of deteriorated sections of the UC 24 carriageway due to construction traffic involved in the development hereby permitted. Any damage to the public road directly attributable to such construction traffic to be made good by the applicant/developer to the satisfaction of the Planning Authority in consultation with the Roads Authority;
- (vi) Details of the provision and design of additional passing places for an articulated vehicle between the junction of the A846 Port Askaig to Ardbeg road and the application site. The number and location of such passing places shall be agreed by the Planning Authority in consultation with the Roads Authority and the passing places subsequently agreed shall be fully provided before any other works commence on site;
- (vii) Details of a maintenance agreement for the highway improvement works specified above; the scope and duration of which shall be agreed by the Planning Authority in consultation with the Roads Authority. The maintenance agreement subsequently approved shall commence within 14 days of the building hereby approved being first brought into use.

Reason: In order to secure an appropriate standard of road capable of conveying traffic associated with this development, to minimise disruption arising as a result of traffic movements and to safeguard road safety.

6. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate light and heavy goods vehicles within the site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety, to ensure the development has adequate provision for the parking and manoeuvring of vehicles.

7. Notwithstanding the provisions of Condition 1, 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 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.

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

8. No development shall commence until a scheme for the retention and safeguarding of trees adjacent the site during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
- (i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
 - (ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of safeguarding the visual amenity of the site and its surroundings.

9. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage System (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753F. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

10. Given the proximity of the neighbouring residential properties to the site address, construction works shall be restricted to 0800-1800 hours Mondays to Fridays, 0800-1300 hours on Saturdays and not at all on Sundays. Bank or Scottish Public Holidays unless otherwise agreed with the planning authority.

Reason: To minimise the impact of noise generated by construction activities on occupiers of residential properties.

11. No development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. Regard must be made to governmental Guidance

Notes on Environmental Zone E1: Intrinsically Dark Areas. No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interests of amenity.

12. 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 protect archaeological resources.

13. No development or ground breaking works shall commence until a method statement for a geodiversity watching brief has been submitted to and approved in writing by the Planning Authority. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of geological 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 protect geological resources.

NOTE TO APPLICANT

- **The length of the permission:** This planning permission will last only for **three** years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- This permission should be read in conjunction with the accompanying legal agreement concluded under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in respect of the required Woodland Management Plan.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk
- All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.
- A section 96 agreement under the Roads (Scotland) Act will be required to secure the terms of the proposed road improvements. Contact should be made at an early stage with the Area Roads Authority.
- The applicant is made aware that there will be no financial contributions from Argyll and Bute Council towards work required to facilitate the works or to make good any damage directly attributable to the construction of the whisky maturation warehouses.
- The applicant should be made aware that they will be responsible for making good any damage to the public road which is directly attributable to the construction of the whisky maturation warehouses.
- As part of the commensurate improvements for the distillery some of the existing passing places were extended but not surfaced.
- There is a requirement for separate Hazardous Substances Consent which will allow the Health and Safety Executive (HSE) to consider matters relating to safety of storage of flammable liquids.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/02337/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Development Strategy

The council's Local Development Plan (LDP) adopted March 2015 identified key challenges facing the council in an urgent need to reverse static or falling populations in some of our smaller rural communities by making them better places to live, particularly for economically active families. The overarching policy for the council's vision is LDP STRAT 1 – Sustainable Development which seeks to:

- maximise the opportunity for local community benefit,
- support existing communities and maximise the use of existing infrastructure and services,
- maximise the opportunity for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency,

Settlement Strategy

Policy LDP DM 1 sets out the settlement strategy encouraging appropriate forms of development in countryside zones that qualify as infill, rounding off, redevelopment and / or change of use. The roughly two hectare site is in both the Countryside Zone and Rural Opportunity Area (ROA) areas. In the case of the former an exceptional case must be made regarding this scale of development to comply with Policy LDP DM1. Once an exceptional case has been accepted policy requires a further assessment in the form of an Area Capacity Evaluation (ACE) to assess landscape suitability. The positive support of an ACE is essential for approval under policies LDP DM1, LDP 3 and SG LDP ACE 1.

When considering proposals of this scale in the countryside officers must consider any alternative locations such as allocations and those in settlements. All existing allocated sites in the LDP were examined and rejected for a variety of reasons including plot size, building height restrictions and extensive land preparation. The use of a number of sites was rejected due to multiple site acquisitions to assemble the land required. The nearest established Building and Industry Areas are at the two neighbouring facilities and do not have the capacity required for this scale of proposal. Similarly sites at Bowmore and Bruichladdich have constraints regarding further development which ruled them out as suitable sites.

Exceptional Case

Given the proposal is for a business and industry development in a countryside development management zone then the provisions of SG LDP BUS 2 apply. Furthermore, Islay is identified as an Economically Fragile Area therefore policy SG LDP BUS 5 must be considered. The scales of development are found within the supporting text for SG LDP BUS 1. All scales of development can be supported in ROAs, however only those proposals below 200m² or a site area not exceeding 0.5ha are considered generally acceptable in the countryside development management zone. Anything larger in the countryside can only be supported subject to a demonstrable exceptional case. Where an exceptional case can be demonstrated proposals require to also be supported by an ACE.

Existing distilleries on the island also have capacity issues regarding warehousing and there are active and planned extensions at, for example, Port Ellen and Laphroaig. Information was received from Ardbeg, Avonvogie, Bunnahabhain and Kilchoman regarding current restrictions and challenges to future storage planning at their facilities. The applicant has demonstrated that they investigated a number of sites but that these were no suitable. It should be noted that the site at Avonvogie for warehousing has been take up exclusively by

another island distillery. In the absence of the development of a central warehousing site available to all distilleries on the island, adjacent storage is deemed to be the natural compromise in terms of LDP STRAT 1.

Policy SG LDP BUS 5 seeks to support a variation of these scales of development in areas identified by Highlands and Islands Enterprise as being economically fragile. In this instance the Council's Economic Development Action Plan (EDAP) seeks to support the food and drink industry across Argyll especially on Islay where the production of whisky is a world-leading industry. The policy seeks flexibility on the scales of development to support these areas in economic growth. Officers consider that this policy provides support for the proposal given the economic fragility of the island.

In considering this application officers have accepted the exceptional case and undertaken an ACE which officers support for the proposal. In this regard the principle of the proposals is consistent with the provisions of LDP DM 1.

B. Location and Design of Proposed Development

The proposal requires to be assessed against the relevant provisions of policy LDP 9, SG LDP Sustainable in terms of development setting, layout and design.

The provisions of policy LDP 9 set out that new development shall be required to be sited and positioned so as to pay regard to the context within which it is located; that the development layout and density shall effectively integrate with the setting of the development; and that the design of the development shall be compatible with its surroundings.

The provisions of SG LDP Sustainable relating to new industrial development within isolated locations advises that the form and pattern of the landscape will largely determine the acceptability of the proposal, and that the extent to which the proposal would be clearly visible from public roads, viewpoints and neighbouring local communities is also an important factor. Assessment of proposals include consideration of the visual impact of the size and extent of the proposal and the distance/location from which it is seen; the location of the proposal and its landscape setting, including the way in which the development has used natural contours of the site is of prime importance. In this respect it is noted that large buildings must be absorbed by the landscape as much as possible, whether by excavating, using existing landforms to mask the development or screening by new plantings. The design and colour of the development and any ancillary structures can be used to minimise their perceived bulk and visual impact. It is noted that the use of natural materials such as timber and stone will help fit a large building into the landscape, as will dark colours.

The site is close to Caol Ila and Bunnahabhain distilleries, the latter sharing a service road. These are also the nearest settlements designated in the LDP and are 1200m and 1700m northerly and southerly respectively. The warehouses are to be laid out in two rows with grassed path access between the five to the east and the four to the west. This will create three blocks of two, one of three and the dunnage free standing.

The floor plates will be:

- Dunnage: 30305 (30.3m) x 25055 (25.0m)
- Block 1: 29920 (29.9m) x 107202 (107.2m)
- Block 2: 29937 (29.9m) x 65922 (65.9m)
- Block 3: 29920 (29.9m) x 65918 (65.9m)
- Block 4: 29920 (29.9m) x 65920 (65.9m)

Heights at roof ridge around 15.75m with an additional 1m for the ridge ventilation. The design is of standard large industrial warehouses with a forklift size door and rear and side standard doors. There is no fenestration but there are series of ventilation compartments on the roofs and the long elevations. The materials have been chosen to allow the buildings to blend with the background rather than whitewashed like some of the traditional distilleries in the island. The roof will be anthracite grey, beige grey panel cladding, roughcast concrete block at base level and the use of reclaimed stonework. There will be 215mm thick blockwork walls to separate the warehouses/compartments and fire doors between the compartments. The smaller dunnage warehouse will be of a more traditional design and have triple ridges at around 6.44m with three doors on each gable: three for forklifts and three standard size.

Discussions with the applicant were protracted as officers wished clarity on the merits and rationale of a **single phase** development of this size. The following areas were identified, discussed and tested:

- Site preparation and natural materials removal and displacement,
- Upgrade of access to facilitate plant, staff and materials movements on and off site and avoiding staggering this process over a further protracted timescale,
- Provision of accommodation for itinerant workers and the security they will have of a termed continuous contract,
- Assurance that the project may be completed without staff or skills shortages which may be a feature of a phased approach,
- Security of supply and delivery of essential materials to the site,
- Concentration of the timescale where loss of amenity to the existing residents in regards to noise, works materials, transport and general increased activity,
- The ability for council officers to monitor the works and compliance with the conditions and requirements of any approved proposal for the benefit of both parties and indeed all third parties.
- A single phase allows for the storage from other distilleries for a short term.

Developing the warehousing in a single phase will minimise the disruption to the business and to the local area. The expectation is for over 25,000 visitors each year and it is anticipated that this will increase. Some of these visitors will be specifically wishing to see their pre-paid cask in the warehouse. If the proposals were phased over a number of years, this would cause continual disruption to visitor centre operations. The dunnage warehouse will be the main increase in employment and although a case was presented to commence with this single warehouse and expand incrementally, the single phase was deemed to moderate the loss of amenity aspects inevitable with a development of this size. Any increase in visitor numbers will be facilitated by improvements to the access road from the main road.

It was accepted that the single phase option offered advantages in regards, to the above and where smaller stages may have had advantages they were not of a significance to outweigh a single phase approach.

The requirement for the double handling of product for maturation off-site and bottling on-site lends weight to the argument that additional storage capacity should be as local to the originating distillery as practicable in the interests of minimising unnecessary haulage for cost and environmental reasons.

The design affords a conformity of height and buildings in a standard industrial style which allows the development as a whole to be absorbed by the setting of the site as it presents itself in two rows with central staggered gaps. There is no fenestration allowing the palette of materials to be chosen to weather and meld with the backdrop to the west of the current ridge

at the road, and the central hills around 3km to the west. The dunnage warehouse will be smaller and have roof ridges at a lower level and will also have plain walls and roofs.

The neutral, consistent design is similar to other warehousing on the island although they will not be painted white. They are not deemed an unexpected presence in this part of the island close to two other distilleries.

In considering the design and delivery of the proposals it is considered that the works are consistent with policy SG LDP Sustainable.

C. Natural Environment

Policies LDP 3, SG LDP ENV 1 and ENV 6 are designed to safeguard wildlife and their habitats and the council gives weight to the responses of consultees in these matters.

The applicant has completed the biodiversity survey and has indicated that the planting and seeding is designed to complement the surrounding vegetation that is to be retained. A plan that includes full screening is difficult to establish on the terrain. The weather conditions are an issue for larger species and it may in fact harm the development of the plantings if a regimented design is used. The use of native species will therefore not only be an attraction for biodiversity but will reduce maintenance and replanting of any failed plantings. Consideration is also given to plantings on the site interrupting views from the road over and beyond the site. It is acknowledged that any planting along the roadside needs to avoid obstructing the long range view of Jura but some planting of lower growing species could be utilised so soften the structure where it is close to the road. The landscaping is therefore to soften the edges of the warehousing to settle them into the landscape.

The grasslands to be planted around the warehousing will give habitat diversity for plants insects and animals. Mitigation may be appropriate regarding boundary treatment options including restoration of existing/ new dry stone dyke in keeping with the traditional vernacular and planting options to integrate the proposal with the wider landscape. This a good opportunity to establish native tree and shrub planting to improve integration of the built elements including associated infrastructure (eg the tanks clustered on the boundary) with the surrounding landscape with the overall aim of achieving a good landscape fit as well as to provide biodiversity benefit.

Otters and bats are recorded in this area and it is predicted that the proposed wet areas and drainage may be beneficial to the former and the warehouse structures themselves to the latter. Nature Scot will fulfil their advisory role on protected species through the provision of standing advice and do not expect to be consulted other than in exceptional circumstances not covered by the relevant standing advice available.

Concerns regarding light pollution in a dark skies area were raised. It is proposed within Part 4.8 of the Design and Access Statement that the external low level bollard style lighting will be installed near the warehouse buildings. The lighting system will operate on a sensor system to provide localised low level lighting for access to the warehouses and the road. It states that all external lighting installations will be designed to conform with Scottish Government Guidance Notes where intrinsically dark areas will be provided prior to any development commencing. A condition will be attached to any approval in this regard.

Part of the site preparation works involve removing rock from the site and forming mini cliff faces. Policy SG LDP ENV 10 requires that mitigation measures are incorporated to minimise adverse effects on the interests of the site. Where possible, any resultant rock exposures or other evidence of geodiversity interest should be considered for their potential as an

educational or interpretative resource and a record is made prior to any loss. This will be a condition of any approval.

D. Landscape Character

The application site is not located within a landscape designation so its impact upon local landscape character should be assessed against the provisions of LDP 3 and SG LDP ENV 14. However, the site is readily visible from across the Sound of Islay from locations within the Jura NSA and accordingly the proposal will also require to be assessed against the more onerous provisions of SG LDP ENV 12.

The provisions of SG LDP ENV 12 set out that the council will resist any development in, or affecting, National Scenic Areas that would have an adverse effect upon the integrity of the area, or that would undermine the Special Qualities of the area, unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, environmental, or economic benefits of national importance.

The provisions of SG LDP ENV 14 state that outwith scenic designations that the council will consider landscape impact when assessing development proposals, and will resist development when its scale, location or design will have a significant adverse effect on the character of the landscape, unless is demonstrated that any such effects upon the landscape quality are clearly outweighed by social, economic or environmental benefits of community wide importance; AND that the Council is satisfied that all possible mitigation measures have been incorporated into the development proposal to minimise adverse effects.

The applicant supplied extensive visualisations as appendices to the Landscape Visual Impact Assessment (LVIA). The negotiated reduction in the sizes of the warehouses has been taken into account when using these as evidence to support the assessment of the proposal within the site and setting. The council's officers also undertook an ACE using a similarly wide-scale compartment. The results of the ACE are in Appendix B of this document and the field sheets which are a separate document.

Land based vista sites from the Jura NSA are over 1.7km from the site and around 60m lower. The proposal will also be visible from the ferries which use the Sound of Jura. The special qualities are outlined in the Nature Scot document published in 2010. The development design is not deemed to attract the eye and may indeed be less intrusive than the existing neighbouring distilleries.

The landscape character has been assessed in Appendix B and the Area Capacity Evaluation.

- The proposal site is classed as Island Mixed Farmland which has these characteristics:
- Undulating, uneven landform with rocky outcrops on the lower margins of the upland moor. Indented rocky coastline with some small sandy bays.
- Diverse patchy mix of moorland, grassland, peaty marsh and woodland.
- Typically geometric fields, divided by broken stone walls and wire fences or straight drainage ditches.
- Scattered small settlements and isolated farms and cottages.
- Archaeological sites.

The proposal is situated within Island Mixed Farmland Type 41 and surrounded by Moorland Plateau Landscape Character Type 49. It is less than one kilometre from the Jura National Scenic Area (NSA) boundary which is also Type 49. The NSA is across open water and therefore highly visible from the site, and with unobstructed views from the NSA across the

Sound of Islay to the site. Views from elevated points within the NSA and views of the NSA from Islay will be partially impacted. This will include the Paps of Jura which are also within Jura Wild Land Area. The proposal has been considered against the Special Qualities of the Jura NSA, particularly:

- an island close yet remote,
- a continually varying coast.

The proposal will introduce an additional group of very large buildings into an area of limited development. These structures will be very prominent and we consider that from Jura, north of Feolin, when viewed from this highly sensitive landscape the development would form a new and prominent built element within the landscape. The proximity to the road will also mean that they will be an imposing feature, albeit seen fleetingly, on the road to and from Bunnahabhain.

Nature Scotland (NS) advised that the proposal will not have a significant adverse effect on the special qualities of the Jura National Scenic Area (NSA) for which it has been designated and that care is taken to ensure that the scale of development and the materials proposed for its construction will be in keeping with the coastal character and existing types of development found within this part of Islay, whilst acknowledging that the Whisky industry is an integral feature of Islay and Jura.

It is acknowledged that there will be some immediate local impacts arising from the development on the local landscape character. However, Nature Scot has advised that there are no significant adverse impact arising from the development on the qualifying characteristics on the Isle of Jura NSA. Furthermore, policy SG LDP ENV 14 allows for a degree of landscape impact so long as these effects are clearly outweighed by economic, social or environmental benefits and that all possible mitigations measures have been incorporated into the development. In this instance the economic benefit is substantial and the applicant has undertaken all reasonable measures to limit impact. Therefore, the proposal is deemed consistent with policies SG LDP ENV 12 and SG LDP ENV 14.

E. Water Supply, drainage, waste management.

Policies LDP 3, LDP 10, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 5(b), SG LDP SERV 6 and SG LDP ENV 7 all deal with the conservation of water resources, managing of runoff and adherence to Scotland's zero waste strategy through recycling and conservation of water resources. The warehouses proposal will have limited water use compared to the distillery itself and will utilise the existing supply. The site was previously constrained by a SEPA water abstraction licence which limited the distillery to 50m³ per day. However, in 2019, this was updated to 90m³ per day. This, combined with the larger washbacks, means that the distillery is currently producing 625,000lpa using approximately 54m³ per day. With the benefit of onsite maturation space, there is the ability to increase production up to 1,000,000 lpa.

The flood risk to the site does not have the significance to feature on SEPA 1:200 year flood event maps. No specific flood risk assessment was undertaken. The existing distillery has a formal surface water and foul water drainage system. Surface water from roofs and hardstanding areas is collected in a filter trench system that runs around the full perimeter of the distillery. Surface Water is then discharged to the Sound of Jura via a combined outfall pipe. It is intended to utilise the existing drainage network for the proposed warehousing site. The reach of the filter trenches will be expanded and the discharged surface water will flow to a detention pond, where the surface water will be attenuated and treated. The surface water will then be discharged into the existing surface water drainage system and the combined outfall to the Sound of Jura.

The site is close to the indicative limits of surface water flooding shown on the SEPA Flood Map (2014). However, these appear to be associated with Ardnahoe Loch and the watercourse to the north east of the site. To the south east there is an area at risk of fluvial flooding associated with the loch, but due to the undulating topography there is land separating the loch and the site.

Recycling is to be organised site wide and will expand on the existing services for the distillery and visitor centre. External storage within the site is to be on land designated for such purposes and which has the prior written approval of the council. This is to include the extent and location of proposed storage area(s), the types of materials to be stored, maximum stacking heights and details of any means of enclosure required.

The council's sustainable design guide recommends energy efficiency is included at the build stage. Whisky warehouses tend to be self-regulating internally and the design allows for variable ventilation. No heating has been shown on the submitted drawings.

All the proposed infrastructure details are considered to be acceptable subject to agreement with the planning authority and the implementation secured by planning conditions.

F. Impact on Residential Amenity

The proposal is examined with relation to policies LDP 8 and SG LDP BAD 1. The following criteria require to be satisfied under policy:

- there are no unacceptable adverse effects on the amenity of neighbouring residents;
- the proposal includes appropriate measures to reduce the impact on amenity as defined by the use classes order (i.e. noise, light, smells);
- there are no significant transport, amenity or public service provision objections;
- technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full.

It is inevitable that the preparation and construction phases will result in increased vehicle and materials movements, noise from the site, unsociable working hours and artificial light if the phases are to occur in the later months of the year or early next. However, these concerns formed part of the reasons for a single phase construction programme rather than many years of continued redevelopment.

The completed proposal will have ground based subdued lighting and the storage function will have limited associated noise except for the movement of casks by forklift truck. As shown in other distillery warehousing on the island the odours are from the manufacturing process not the storage. There will be an increase in traffic to the site but road improvements will mitigate any loss of amenity in this regard. Any loss of view has been addressed and mitigated but is not a material consideration. The use of the completed proposal is not deemed to be contrary to policy due to loss of local amenity. Conditions will be attached to any approval to control unnecessary or excessive disruption.

Concerns regarding the COMAH regulations regarding flammables for the site have been noted and the applicant has been made aware of the requirement for Hazardous Substances consent. Concerns regarding fungus growth on cars and houses were noted but from wider discussion with the industry on the island are not known on houses near other distilleries.

G. Impact on Woodland/Access to Countryside.

The provisions of policies LDP 3, LDP 10 and SG LDP ENV 6 would all seek to resist development which has an adverse impact upon existing trees/woodland by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland, including compensatory planting and management agreements.

The site is bounded to the east and the north and south (partly) by semi natural ancient woodland. This will be retained and melded with the proposed planting and landscaping of the developed site. The belt of woodland is around 150 metres wide and forms the barrier to the cliffs at the Sound of Jura. There is provision within the proposed landscape maps for paths within the site and to the existing treeline.

H. Archaeological Matters

The proposed development does not give rise to any direct or indirect effects upon the site or setting of any listed building, scheduled monument, or conservation area. The development site is however located within an archaeological trigger area and accordingly requires to be assessed against the relevant provisions of policies LDP 3 and SG LDP ENV 20.

Although there is no obvious surface evidence of previous settlement, a written scheme of investigation is to be submitted by the applicant, agreed by the West of Scotland Archaeological Service (WoSAS) and approved by the planning authority. The programme of works must be fully implemented and all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in agreement with WoSAS.

I. Road Network, Parking and Associated Transport Matters.

The provisions of policy LDP 11 set out that the Council will seek to ensure that an appropriate standard of access is delivered to serve new developments, including off-site highway improvements where appropriate.

In this instance, the development is served by a sub-standard public road which presently connects the existing distillery operation at Bunnahabhain with the A846 public road at Keills. Access to the proposed development would involve negotiating the first 3.18km of the single track public road which is not only narrow in width but also is also sinuous in nature and contains a number of blind bends. The provisions of policy SG LDP TRAN 5 sets out that there is a requirement for developments to contribute proportionately to improvements to an agreed section of the public road network where the proposals will significantly increase vehicular or pedestrian traffic on a substandard public approach road.

The single track road with limited passing places is also core path C407. It is therefore likely that in addition to personal motor vehicles and HGVs there may also be human wheeled and pedestrian usage.

The Council's Roads Department have requested Traffic Management Plans with regard to the construction and maximum operational phases. A method statement is also to be supplied with regard to strengthening and repair of the main road and development of passing places. A maintenance agreement for post development operating is also required. The applicant is asked to prepare a condition survey report of the road and an inspection report. A Section 96 Legal Agreement will be required for the section of road between the A846 Port Askaig to Ardbeg Road and the application site to address abnormal traffic associated with the development in the interests of road safety. Details of the road layout within the site are also

required by the council with regard to light commercial vehicles and articulated HGVs and the arrangements for turning and parking within the site. All of the above will be subject to conditions attached to any approval.

The Roads Department have indicated that there will be no financial contributions from the council towards the works required to facilitate the proposal or to make good any damage attributable to construction of the warehouses. The applicant would also be made aware that they will be responsible for making good any damage to the public road which is directly attributable to the construction of the warehouses. As part of the improvements for the distillery building some of the existing passing places were extended but not surfaced.

These improvements are being co-ordinated by the Council and will relate to passing places, general surface upgrade and stability. The emergency services have not raised concerns regarding the roads in the event of an incident at the site.

The reduction in journeys by HGVs due to onsite storage rather than ferry journeys and onward mainland movement of a further 100 miles to storage facilities in urban areas of west central Scotland is seen as a benefit of the proposal.

The proposal is deemed to be consistent with policies LDP 11, SG LDP TRAN 1, 4, 5 and 6 and provided the above elements are delivered to a satisfactory standard (which will be controlled by planning conditions), the Council's Area Roads team are satisfied with the proposal with respect to road safety and impact upon the public road network.

J. Site Infrastructure

Policies LDP 11, LDP 3, SG LDP TRAN 1 SG LDP ENV 12 and SG LDP ENV 14 require the council to agree proposals for landscaping and vehicles movements between the buildings, and the landscape design.

Landscape and topology plans have been supplied to show land-use details. The proposed plans include hard and soft landscaping, water management, boundary treatment and plantings. The plans also show retained natural woodland which may be melded with new plantings of native species. The circuitry roads system to serve the front of each block of warehouses will run from the existing distillery roads. Grass will be planted in the areas between buildings. Pathways to the edges of the site are to be formed particularly back to the main road (which is also a core path) and to the wetlands basin which is part of the SuDS proposal. The northerly access road will be bunded for the length of the site. It would be expected that other essential services (e.g. electricity) would be installed to minimise future disruption within the site during initial groundworks. In this case the plan is to manage and improve the vegetation cover around the site which will have a positive biodiversity outcome and has minimal flood risk.

APPENDIX B - AREA CAPACITY EVALUATION

A. Purpose and Requirement for the ACE

The proposal constitutes a 'large-scale' development partly within the Countryside Zone wherein the provisions of policy LDP DM 1 of the Development Plan would ordinarily only offer encouragement 'small scale' developments. In order to satisfy this policy, a 'large-scale' development on an appropriate site can only be supported if it is considered to be an 'exceptional case' and is supported by an Area Capacity Evaluation (ACE).

In accordance with policy SG LDP ACE 1, in order to qualify as an 'exceptional case' it must be demonstrated that the proposal has a **locational and/or operational** need tied to a precise location which is agreed with and acceptable to the Planning Authority. In this instance, the proposal will augment the existing production facilities at Ardnahoe Distillery as warehousing located to the north of the distillery and visitor centre. Demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority. The "exceptional case" is discussed within section P of the main body of the report. Having accepted the proposal as an 'exceptional case', an Area Capacity Evaluation must be carried out to assess the capacity of the landscape to absorb the development, in accordance with policies LDP DM 1 and SG LDP ACE 1 of the Development Plan.

B. Area of Common Landscape Character / ACE Compartment

The Area of Common Landscape Character (ACLC), demarcated in the images attached to the ACE sheet comprises areas of farmland, moorland plateaux, outcrops and bodies of water. There is a clear individual common landscape character in the midst of this of lightly managed and natural land on rocky slopes. The Landscape Character definitions are Types 49 Island Mixed Farmland and 41 Plateau Moorland and open water. The following features tend to define these similar areas:

- Undulating, uneven landform with rocky outcrops on the lower margins of the upland moor. Indented rocky coastline with some small sandy bays.
- Diverse patchy mix of moorland, grassland, peaty marsh and woodland, open moorland, broken by rock outcrops and upland lochs.
- Massive scale.
- Inaccessible and relatively uninhabited, with special wildness qualities and sense of remoteness.
- Typically geometric fields, divided by broken stone walls on upper slopes and wire fences or straight drainage ditches.
- Scattered and isolated farms and cottages.
- Archaeological sites.

The landscape around the site is transitional linking the flat lowland bogs and the rocky upland moors. It is underlain by the sandstones and grits of north-west Islay and by carboniferous rocks in central Islay. The landform varies according to the underlying geology, but is typically undulating lowland, which becomes increasingly steep, uneven and rocky on the slopes leading to the uplands and moors. The slopes on the fringes of the lowland moors are typically shallow, but there are often rocky outcrops and areas of

undulating terrain. These act as scale reference points in the landscape. The coastal landscape is also varied, with low cliffs, rocky outcrops, rock slabs and off-shore islands in areas of relatively elevated terrain, and narrow bays of sand or shingle at points where a river or burn meets the sea. It is an extremely diverse landscape, with a patchy mix of moorland, farmland, scrub, bog and woodland. Fields vary in size and tend to be smaller on undulating terrain and in areas close to settlements, but many are extensive and there is a gradual transition to open, rough grazing on the fringes of the surrounding moorland. The fields are partially enclosed by a historic pattern of stone walls on higher slopes and by wire fencing elsewhere. Those on flatter terrain are often subdivided by straight drainage ditches. There are extensive patches of peaty marsh and grassy tussocks on poorly- drained, low-lying areas and the higher grassland is often broken by rocky outcrops with heather and coarse moorland grass. It is a colourful, richly textured landscape. There are patches of scrub, gorse and scattered, stunted birch trees on steep slopes and rocky outcrops.

There are a reasonable number of later prehistoric remains in the area including duns and cairns. The most common types of remains are medieval and post medieval settlement and related agriculture, often in the form of field systems and building footings. The landscape is peppered with early ecclesiastical sites, which retain a spiritual importance.

C. Key Environmental Features – Constraints and Opportunities

The landscape compartment has had little use by organised agriculture. The immediate vicinity is sparsely populated although apart from the distilleries there is commercial activity which includes both livestock and arable. The field systems are defined and visible from off road and key vantage points. The ACE compartment primarily relates to rough grazing punctuated by rocky outcrops, with native woodland clumps and shrubs, and by a distinct horizontal band of improved grazing. The landform slopes down markedly from the level of the public road with rough grazing quickly giving way to steep wooded slopes with a rocky coastline below. On the landward side the rough grazing land is uneven and interspersed with rocky outcrops; on the shore side the in-bye grazing adjacent to the public road has been improved and forms open spaces which are distinct from their surrounds. Existing built development within the ACE compartment is limited to a cluster of traditional farm buildings at Ardnahoe Farm, a new dwelling at Ardnahoe Bothy which replaced a previous ruin, and a shore-side cottage which is only visible from the water/Jura.

The identified key landscape issues in this area are:

- Cumulative loss of historic features, such as sites, stone walls and field patterns;
- Pressure from built development, service and road infrastructure especially regarding distillery related traffic.

It is considered that the addition of large buildings to the north of the site of a scale which is comparable to the other large scale distillery buildings in the area will reinforce the existing pattern of built development and may not adversely affect any of the key characteristics identified. There have been no identified archaeological remains or recent centuries housing remains. The field structure will be maintained albeit heavily developed. The roads infrastructure will require upgrading. The present route will be retained and therefore no encroachment of neighbouring space will occur except during the upgrade works.

D. Visual/Landscape Impact

The proposed buildings are large and uniform in height. The site is to be fairly flat with some screening from the road and other main vistas being at a distance of 1000m or more. It has the potential to give rise to an unacceptable impact upon the character of the surrounding landscape. However, the distanced views will show the ridges comparative to the road and nearby hills, with the higher hills to the centre of the north of the island forming a massive distant backdrop. Views to the site from north, west and south are limited by the terrain, the loch and forestation.

The proposal has been amended during the consideration period to reduce the height of the buildings within the landscape, to provide a more recessive palette of building materials including timber boarding, grey render and natural slate, and the introduction of extensive bunding and native broadleaf tree planting to the east, west and south of the proposed building to assist in both screening it from view, and providing a wooded backdrop and surrounds within views into the site from the north.

On Islay, the visual impact of the proposed development would be contained to a short stretch of the minor road travelling south from Bunnahabhain. The development would be largely screened from the public road on approach from the south by a ridge of elevated land that runs SW from Ardnahoe Farm. The development will however be very prominent and open to view at both mid-distance and close quarters by road users travelling south from Bunnahabhain, and will block views out toward the Jura NSA for a short distance.

The visual impact from outwith Islay from Jura would however be less significant although the building is potentially visible for a considerable distance northward on the Sound of Islay and also from the south-western corner of the Jura National Scenic Area stretching eastwards to the Paps of Jura. Within this panoramic context however, the development would be viewed against a backdrop of higher land, although this effect will be lessened in views from low lying coastal locations on Jura where the development will appear to be just below the skyline. From longer distance viewpoints the proposed external finishes should blend somewhat with that of the adjacent land cover and should also have the effect of reducing the visible mass of the development.

Distilling on Islay is traditionally an activity which has been undertaken in coastal locations necessitated by access to sufficient quantities of fresh water and the requirement to import/export volumes of raw materials/produce by sea; the majority of existing distilleries being located at low level on the coast and in close proximity to a pier, and in many cases giving rise to the growth of housing and other facilities in their surrounds to support the industry. The notable exception to this traditional pattern of development is the modern distillery established at Kilchoman which is located inland and has been undertaken as a redevelopment and extension of a group of traditional farm buildings. The fact that distilling is an industry indigenous to Islay would not in itself explain the landscape context of the establishment of a large group of buildings in what is, by traditional standards, a relatively elevated position in the coastal landscape and accordingly it is the view of officers that the introduction of a grouping of large buildings at a location which is otherwise devoid of any substantial built structures, coupled with the loss of a prominent area of improved grazing will give rise to a significant change to the established character of the local landscape setting.

In summary, it is considered that the proposed development will not have an adverse impact upon views into Islay from the Jura National Scenic Area or, the Sound of Islay. The proposed development will result in a significant change in the appearance of the local

landscape character with the obvious introduction of a substantially larger scale of built development than that which presently exists but also resulting in the loss of improved grazing land which is a prominent feature of the local landscape setting; the development will however deliver boundary tree planting and extensive grasslands proposals which will not only assist in accommodating the development but will considerably strengthen the western edge of another existing key environmental feature in the form of the coastal woodland. On balance, it is considered that the change to landscape character may be considered to have a neutral impact upon the quality of the receiving landscape character.