

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 23/01984/PAN

Applicant: Beam Suntory Ltd

Proposal: Proposal of Application Notice for: Harvesting of peat moss for use in malt whisky production and restoration of previously drained sites

Site Address: Glenmachrie Peat Moss, Port Ellen, Isle of Islay

1.0 INTRODUCTION

Proposal of Application Notices 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 in line with the provisions of the Planning etc (Scotland) Act 2006. The PAN marks the start of a minimum 12 week period to allow for community consultation before an application can be lodged and this PAN was made valid on 7.11.2023.

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, 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.

The submitted information includes:

- Proposal of Application Notice
- Location Plan
- Copy of newspaper adverts

The Proposal of Application Notice describes the proposed development as *"the harvesting of peat for use in the production of malt whisky in a manner that causes the least environmental impact, together with restoration of previously drained and worked areas within the site"*.

The applicant has confirmed the following consultation steps will be undertaken:

- a) Consultation letters to be sent to Islay Community Council, Islay Development Initiative, South Islay Development, West of Scotland Archaeology Service, The Laggan and Sorn Fishery Board, in addition to a number of other community stakeholders and community groups.

- b) Two sets of public meetings were held at The Ramsey Hall, Port Ellen on 11th October 2023 and 26th October 2023.
- c) A press notice was placed in The Illeach on 23rd September 2023 giving notice of a Pre-Application Consultation (PAC) event including a public exhibition and opportunity to discuss the proposals at two events. A second notice was placed in The Illeach on the 21st October to advertise the second public event.

Officers consider that the steps set out in the PAN are acceptable and in accordance with the requirements of the Regulations to ensure appropriate community consultation is undertaken.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

Based on the description of the development contained within the proposal of application notice, the forthcoming application is anticipated to comprise of the following:

- Full details of peatmoss extraction proposals including depths, area, volume and timescales;
- Details of net effects on carbon emissions and loss of carbon and proposed mitigation measures;
- Details of impacts on habitats and biodiversity and proposed measures to mitigate these;
- Comprehensive peat restoration proposals for previously drained and worked areas within the site (including details of any proposed off-set financial mechanisms for future restoration/mitigation); and
- Associated new access.

3.0 SITE DESCRIPTION

The proposed peat extraction area is located to the south of the settlements of Glenmachrie and Glenegeedale on the western side of the Isle of Islay. The site area consists of open peat mossland and is partly dissected by the A846 which runs north to south. The site contains four bodies of water, three to the eastern side of the A846 and another on the western side.

In terms of the adopted Local Development Plan (2015), the site is located within a Countryside Zone and borders some areas of the Rural Opportunity Zone to the south. To the north of the site is Loch Eighinn which is a designated Local Nature Conservation Site. The Laggan Bay coastal areas some 0.5km to the west of the proposed site are also designated as Special Protection Areas (SPA) and SSSI. The site is also subject to the following constraints: Surface and Riparian Flooding (REF: SEPA Flood Maps) (Parts of the site appear to be within 1:200 riparian flooding zones), Deep Peat and Safeguarding Zone 15 - Islay Airport (HIAL).

4.0 DEVELOPMENT PLAN POLICY

This is not a planning application and therefore does not require evaluating and determining in accordance with Section 25 of the Planning Act against the Development Plan and its policies. However, in considering the merits of this PAN, a number of

Development Plan Policy considerations are relevant. The policies likely to be considered include:

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 6 – Forestry, Woodland and Trees
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 13 – Sustainable Transport
NPF4 Policy 20 – Blue and Green Infrastructure
NPF4 Policy 22 – Flood Risk and Water Management
NPF4 Policy 25 – Community Wealth Building
NPF4 Policy 26 – Business and Industry
NPF4 Policy 29 – Rural Development
NPF4 Policy 33 – Minerals

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 8 – Supporting the Strength of Our Communities
LDP 10 – Maximising Our Resources and Reducing Consumption

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 5 – Impact on Local Nature Conservation Sites (LNCS)
SG LDP ENV 7 – Water Quality and the Environment
SG LDP BUS 2 – Business and Industry Proposals in the Countryside Development Management Zones
SG LDP BUS 5 – Economically Fragile Areas
SG LDP BAD 1 – Bad Neighbour Development
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP Sust Check – Sustainability Checklist
SG LDP MIN 1 – Safeguarding of Mineral Resources
SG LDP MIN 2 – Mineral Extraction
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements
SG LDP TRAN 6 – Vehicle Parking Provision

Emerging Local Development Plan (LDP2)

The emerging Local Development Plan (LDP2) will replace the current Local Development Plan 2015, once adopted. On 13th June 2023, the Scottish Government's Planning and

Environmental Appeals Divisions issued their Report of Examination on the Council's LDP2. At the time of writing this Pre-application report, the LDP 2015 remains the adopted Local Development Plan, however, the Examination Report of the Draft LDP2 is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 adoption process.

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development
Policy 06 – Green Infrastructure
Policy 14 – Bad Neighbour Development
Policy 21 – Sites of Archaeological Importance
Policy 22 – Economic Development
Policy 31 - Minerals
Policy 35 – Design of New and Existing, Public Roads and Private Access
Policy 36 – New Private Accesses
Policy 39 – Construction Standards for Private Access
Policy 40 – Vehicle Parking Provision
Policy 41 – Off Site Highway Improvements
Policy 55 – Flooding
Policy 58 – Private Water Supplies and Water Conservation
Policy 59 – Water Quality and the Environment
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Drainage Systems (Suds)
Policy 62 – Drainage Impact Assessments
Policy 63 – Waste Related Development and Waste Management
Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 77 – Forestry, Woodland and Trees
Policy 78 – Woodland Removal
Policy 79 – Protection of Soil and Peat Resources

Land Use Designations in LDP 2:

- Zoned as Countryside
- Within Economically Fragile Area (Diagram 5)

Other Relevant Policy Considerations:

- ABC Technical Note – Biodiversity (Feb 2017)

5.0 POTENTIAL MATERIAL CONSIDERATIONS

In respect of this proposal, it is considered that the following matters will be material considerations in the determination of any future planning application:

- Landscape and visual issues;
- Climate change mitigation and adaptation;
- Conservation, restoration and enhancement of biodiversity;
- Impacts on biodiversity inc. designated sites, habitats and species;
- Impacts on natural, built and / or historic or archaeological sites and their settings;
- Peat and Soils;
- Traffic and transport;
- Flood Risk, Water Quality and Drainage;

- Amenity impacts (waste, noise, vibration, light and odour);
- Impacts on commercial and recreational activity;
- Public access and recreation;
- Economic Impact.
- The views of statutory consultees in respect of any formal planning application (including the views of NatureScot and SEPA); and
- Any other material considerations raised within representations.

6.0 CONCLUSION

The 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. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

6.0 RECOMMENDATION

That Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the applicants in finalising any future planning application submission.

Author of Report: Shelley Gould

Date: 1st December 2023

Reviewing Officer: Sandra Davies

Date: 1st December 2023

Fergus Murray
Head of Development and Economic Growth