

## **PROPOSAL OF APPLICATION NOTICE (PAN)**

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**Reference:** 23/01985/PAN

**Applicant:** Ardalla Estates 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:** Ballivicar Peat Moss, Port Ellen, Isle of Islay

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### **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 heralds 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 Archeology Service, The Laggan and Sorn Fishery Boar, in addition to a number of other community stakeholders and community groups.

- b) Two public meetings will be held at The Ramsey Hall, Port Ellen on 11<sup>th</sup> October 2023 and 26<sup>th</sup> October 2023.
- c) A press notice was placed in The Illeach on 23<sup>rd</sup> 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 21<sup>st</sup> 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/phasing;
- Details of net effects of soil disturbance 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 arrangements.

## **3.0 SITE DESCRIPTION**

The proposed peat extraction area is located to the immediate north of Port Ellen and bound to the east by the A846. The irregular shaped site extends approximately 3 kilometres to the north before extending eastwards into the southeastern quarter of Loch Nan Gabhar and eastwards again to the track serving to Kintra Farm.

In term of the current adopted Local Development Plan (2015), the site is located within a designated Countryside Area, with some pockets of Rural Opportunity Area contained within it. The site is located approximately 1km to the west of the Laggan Bay Special Protection Area and SSSI. Port Ellen to the south of the site is designated as a main settlement area and contains the main town centre and Established Business and Industry Area. The site is also subject to the following known constraints: Surface and Riparian Flooding (REF: SEPA Flood Maps) (Parts of the site appear to be within 1:200 riparian flooding zones); Deep Peat (Dystrophic Blanket Peat Av depth 5.7m); 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 13<sup>th</sup> February 2023)**

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 13<sup>th</sup> 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.

## **7.0 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 applicant in finalising any future planning application submission.

**Author of Report: Shelley Gould**

**Date: 1<sup>st</sup> December 2023**

**Reviewing Officer: Sandra Davies**

**Date: 1<sup>st</sup> December 2023**

**Fergus Murray**  
**Head of Development and Economic Growth**