

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 24/00796/PAN

Applicant: Chivas Brothers Ltd

Proposal: Proposal of application notice for proposed whisky distillery together with visitor facilities, water abstraction, long sea outfall, road improvement works and all associated infrastructure.

Site Address: Land at Gartbreck Farm, Moss Road, Bowmore, Isle of Islay

1.0 INTRODUCTION

Proposal of Application Notices (PAN) only relate to National and Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application 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 29.4.2024.

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 Plans
- Copy of newspaper advert draft notices which will be published in the Oban Times and The Inleach newspapers no less than 7 days before the proposed consultation events.

The Proposal of Application Notice describes the proposed development as "*proposed whisky distillery together with visitor facilities, water abstraction, long sea outfall, road improvement works and all associated infrastructure*".

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

- a) Correspondence will be issued to Islay Community Council and Kintyre and the Isles Ward Councillors, advising them of the consultation event and inviting them to participate
- b) Properties and landowners neighbouring the proposal site will be issued with correspondence advising them of the consultation activities and the applicant will liaise with the Community Council and other local organisations who may be willing to assist with publicising the event on social media.
- c) Two public meetings will be held at Islay Gaelic Centre, Gartnatra, Isle of Islay on Monday 10th June 2024 (3pm to 7pm) and Monday 29th July 2024 (3pm to 7pm).
- d) A press notice will be published in the Oban Times and The Illeach, advertising the consultation events at least 7 days prior to each event and proofs of these press notices have been provided.

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.

The applicant has alongside the submission of this PAN, sought an Environmental Impact Assessment (EIA) Screening Opinion and Scoping Opinion as the proposal would comprise an 'urban development project' as set out in Part 10(b) 'urban development projects' Column 1 of Schedule 2 of the 2017 EIA Regulations.

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 details on the following:

- Proposed distillery and visitor centre buildings including design and massing;
- Proposed water extraction and discharge infrastructure;
- Proposed long sea outfall;
- Proposed access/road improvement works; and
- Proposed hard and soft landscaping works.

3.0 SITE DESCRIPTION

The proposal site relates to a former dairy farm located at Gartbreck on an area of otherwise undeveloped coastline approximately 3 kilometres south west of Bowmore. The site is served by a single access road that leads off the A846 Port Ellen to Bowmore road and also serves the Bowmore Waste Water Treatment works and the Bowmore landfill and waste reclamation site. Gartbreck Farm is located approximately 1 kilometre due west of the waste reclamation site. An existing coastal path passes through the site.

The former farm buildings on the site have been demolished and cleared in line with the extant Planning Permission 13/02297/PP for the demolition of farm outbuildings and erection of a new distillery proposal on the site.

The site is located within a Countryside Zone and also lies within both Laggan Bay and Peninsula designated Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). The site is designated a SSSI for its blanket bog habitat and the presence of Greenland barnacle goose (*Branta leucopsis*) and similarly designated a SPA for the presence of the Greenland Barnacle Goose and the White-fronted Goose (*Anser albifrons flavirostris*). The site is also subject to Safeguarding Zone for 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, as set out below:

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 adaptation
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural places
NPF4 Policy 9 – Brownfield, vacant and derelict land and empty buildings
NPF4 Policy 11 – Energy
NPF4 Policy 14 Design, quality and space
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 30 – Tourism

Argyll and Bute Local Development Plan 2 (adopted 28th Feb 2024)

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development
Policy 05 – Design and Placemaking
Policy 06 – Green and Blue Infrastructure
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design: All Development
Policy 14 – Bad Neighbour Development
Policy 21 – Sites of Archaeological Importance
Policy 22 – Economic Development
Policy 23 – Tourism Development, Accommodation, Infrastructure and Facilities
Policy 32 – Active Travel
Policy 34 – Electric Vehicle Charging
Policy 35 – Design of New and Existing, Public Roads and Private Access
Policy 37 – Development Utilising an Existing Private Access or Private Road
Policy 38 – Construction Standards for Public Roads
Policy 39 – Construction Standards for Private Access
Policy 40 – Vehicle Parking Provision
Policy 41 – Off Site Highway Improvements
Policy 55 – Flooding
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 74 – Development Impact on Sites of International Importance
Policy 75 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves

Land Use Designations in LDP 2:

- Zoned as Countryside Area
- 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, the following matters will be material considerations in the determination of any future planning application:

- Design, massing and accessibility;
- Landscape and visual issues;
- Climate change mitigation and adaptation;
- Impacts on biodiversity inc. designated sites, habitats and species;
- Impacts on peat and soil;
- Impacts on natural, built and / or historic or archaeological sites and their settings;
- Traffic and transport;
- Flood risk, water quality and drainage;
- Health and safety;
- Amenity impacts (waste, noise, vibration, light and odour);
- Tourism impacts;
- Economic and community impact;
- The views of statutory consultees in respect of any formal planning application (including the views of NatureScot, RSPB 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 applicants in finalising any future planning application submission.

Reviewing Officer: Sandra Davies

Date: 6 June 2024

Fergus Murray
Head of Development and Economic Growth