

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 24/00661/PAN

Applicant: Laggan Properties/Bairds Malt

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

Site Address: Land at Laggan Moss, Bowmore, 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 10.4.2024.

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 adverts draft notices which will be published in The Oban Times and The Ilead newspapers no less than 7 days before the proposed consultation events.

The Proposal of Application Notice describes the proposed development as "*proposed peat harvesting and associated works at Laggan Moss*".

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 Elected Members, 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 3rd June 2024 and 17th June 2024 from 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 proposal requires an Environmental Impact Assessment (EIA) Screening Opinion and Scoping Opinion as the future application site area at 12.32ha would exceed the 2ha Mineral extraction threshold set out in the Schedule 2 Part 8 of 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 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 mitigation measures;
- 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 of Laggan Moss comprises 110ha blanket bog which has historically been used for peat harvesting. The proposal site, as identified on the submitted plans, comprises approximately 12ha of open peat mossland at Laggan Moss, Bowmore. The site is located approximately 3 kilometres southwest of Bowmore and is served by a single access road that leads from the A846 Port Ellen to Bowmore road and also serves the Bowmore waste water treatment works and the Bowmore landfill and waste reclamation site.

The site is located within a Countryside Zone. The entire site 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 the following constraints: Surface and Riparian Flooding (REF: SEPA Flood Maps) (Parts of the site appear to be within medium probability of surface flooding), 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 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 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 2 (adopted 28th Feb 2024)

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 35 – Design of New and Existing, Public Roads and Private Access
Policy 36 – New Private Accesses
Policy 39 – Construction Standards for Private Access
Policy 41 – Off Site Highway Improvements
Policy 55 – Flooding
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 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);
- Public access and recreation;
- Economic 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 applicant's in finalising any future planning application submission.

Author of Report: Shelley Gould

Date: 9 May 2024

Reviewing Officer: Sandra Davies

Date: 9 May 2024

Fergus Murray
Head of Development and Economic Growth