

T: 0300 244 6300
E: sgrpid.kilwinning@gov.scot



MLC [REDACTED]
BRN [REDACTED]

EIA Ref 2025-004
Date 13/5/26

[The Agriculture, Land Drainage and Irrigation Projects \(Environment Impact Assessment\) \(Scotland\) Regulations 2017 – Scoping Opinion](#)

Dear [REDACTED]

Thank you for your request of 8 April 2026 for an Environmental Impact Assessment (EIA) scoping opinion.

A scoping opinion is the opinion of the Scottish Ministers as to the scope and level of detail of information to be provided by the applicant in the EIA report. **Regulation 16** and **schedule 3** of the above regulations require that you include certain information in your report. For ease of reference, I have included these at Annex A of this letter.

We have consulted with NatureScot (NS), Historic Environment Scotland (HES), Dumfries and Galloway Council Archaeologist, and the Scottish Environment Protection Agency (SEPA). You can see their full remarks in Annexes B to E where they:

- Describe information on the key issues on which the EIA report should focus attention
- Provide guidance on the level of investigation and information that should be provided

We agree with the information the consultation bodies have asked for.

Therefore, in summary your EIA report:

- must include/meet all requirements of **regulation 16**
- must include the information specified in **schedule 3** relevant to your proposed project, focusing on the information requested from the consulting bodies - In doing so you must use the surveying methods outlined by the consulting bodies
- could include the optional details mentioned in Annex F, and any other information you think is relevant

Please note that we may seek additional information from you after your EIA report has been received, if deemed necessary to make a decision.

Regulation 15 gives you the right to request any relevant environmental information that SGRPID and/or the consultation bodies may hold which may help you prepare your EIA report. If you make this request, it must be in writing to SGRPID, clearly stating your EIA reference number and who you want to consult with. We would then discuss with you or help you get in contact with the relevant consultation bodies direct to establish if we/they hold any information relevant to the preparation of your EIA report. A fee may be charged for providing any relevant information.

I also remind you of 3 important points from our letter of 18/02/2026:

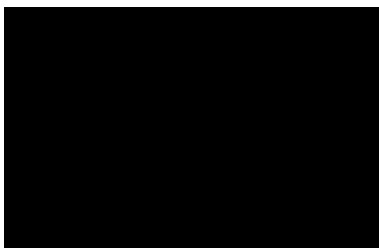
The regulations require Scottish Ministers to consult interested parties and make details of the application available to the public. All comments are considered before we can reach a conclusion. The applicant must, at the time of submitting the report, pay the cost to be incurred by the Scottish Ministers in arranging publication of the notice.

The EIA regulations require that any EIA report is prepared by competent experts. This is a link to a list of potential people who could help: - <https://cieem.net/i-need/finding-a-consultant> There will be other ecologists not on that list that are suitably qualified, but it is your choice who you select.

You must not start work on your project until you have received a decision on the Environmental Impact Assessment report from Scottish Ministers.

Finally, if you have any questions about the contents of this letter, please do not hesitate to get in touch.

Kind regards,



Higher Agricultural Officer



Annex A

Regulation 16 :-

Application and EIA report

16.—

- (1) An application for consent for an EIA project must be accompanied by—
 - (a) an environmental impact assessment report (referred to in these Regulations as an “EIA report”); and
 - (b) such number of copies of the application as the Scottish Ministers may reasonably require.

- (2) An EIA report is a report prepared in accordance with this regulation by the applicant which includes (at least)—
 - (a) a description of the project comprising information on the site, design, size and other relevant features of the project;
 - (b) a description of the likely significant effects of the project on the environment;
 - (c) a description of the features of the project and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
 - (d) a description of the reasonable alternatives studied by the applicant, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
 - (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
 - (f) any other information specified in schedule 3 relevant to the specific characteristics of the project or of the type of project in question and to the environmental features likely to be affected.

- (3) Where a scoping opinion is issued, the EIA report must be based on that scoping opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment.

- (4) With a view to avoiding duplication of assessments, account is to be taken of the available results of other relevant assessments in preparing the EIA report.

- (5) In order to ensure the completeness and quality of the EIA report—
 - (a) the applicant must ensure that the EIA report is prepared by competent experts; and
 - (b) the EIA report must be accompanied by a statement from the applicant outlining the relevant expertise or qualifications of such experts.

Schedule 3:

INFORMATION FOR INCLUSION IN ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

1. A description of the project, including in particular—
 - a. a description of the location of the project;

- b. a description of the physical characteristics of the whole project, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
 - c. a description of the main characteristics of the operational phase of the project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 - d. an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat and radiation) and quantities and types of waste produced during the construction and operation phases.
2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the applicant, which are relevant to the project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
 3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
 4. A description of the factors specified in regulation 4(3) likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example and take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.
 5. A description of the likely significant effects of the project on the environment resulting from, inter alia:
 - a. the construction and existence of the project, including, where relevant, demolition works;
 - b. the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
 - c. the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
 - d. the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
 - e. the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
 - f. the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;



- g. the technologies and the substances used.
6. The description of the likely significant effects on the factors specified in regulation 4(3) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project including in particular those established under the Habitats Directive and Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds(21).
 7. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.
 8. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.
 9. A description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC(22) or Council Directive 2009/71/Euratom establishing a community framework for the nuclear safety of nuclear installations(23) or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of the Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.
 10. A non-technical summary of the information provided under paragraphs 1 to 9.
 11. A reference list detailing the sources used for the descriptions and assessments included in the EIA report.

Annex B (NatureScot comments):

Thank you for consulting NatureScot on the Scope of an Environmental Statement for [REDACTED], reference [REDACTED] **Application for Scoping Opinion**. Nature Scot had the opportunity to visit the land shortly after it had been sprayed and re-seeded last year. Our report for Field A is included below as NatureScot Annex 1.

Summary Position:

Field A is proposed for agricultural intensification (indeed works were carried out last year which should have been consulted through the EIA Agriculture Regs). Field A holds a mosaic of habitat types including “uncultivated” species rich grassland, bog, areas of scrub with trees and areas of intensively managed grassland focussed high up on the two drumlins. The presence of the areas of “uncultivated” land within this field necessitates an Environmental Statement being required. **Our advice to RPID is therefore, that an Environmental Statement needs to be prepared for this land.** We are currently being consulted on the Scope of an Environmental Statement and our response on that is as follows:

The Scoping request only covers Field A and we note that Agricultural improvements previously proposed for fields Fields B and C are no longer being pursued. Works progressed last year prior to our site visit that should not have taken place and have caused damage to the natural vegetation (see detail in Annex 1 below)

NatureScot recommends that the EIA includes the following:

- A Map is supplied for the whole Farm indicating habitats mapped to Phase 2 standard.
- Map is supplied showing any agricultural improvements that have taken place on the whole farm since the EIA Agriculture Regulations came into force in 2017.
- A “Phase 2” standard map is supplied at meaningful scale of Field A to allow areas of improved, semi-improved and natural vegetation to be clearly identified. This should also clearly mark those areas damaged by the spraying and reseeded that took place last year and also note where this attempted re-seed has failed.
- Mitigation for any proposed loss of habitat that may result from the proposal and any mitigation for habitat loss that occurred during the unauthorised spraying and re-seeding last year.
- We are not of the opinion that Protected Species will be impacted providing that the agricultural reseeded proposed are on the tops of the knolls, however, we advise that data from SWSEIC and the NBN Atlas for Scotland are sourced for Field A and a reasonable distance around that Field in order to provide context.
- We are not asking standard bird survey methodologies are required, but the EIA should include any observations of birds or insects noted whilst doing the habitat survey.
- We request that a proposed working methodology is to be supplied that will ensure the “over spraying” and ploughing previously unploughed land such as that which occurred in 2025 does not re-occur.

NatureScot - Annex 1

Summary of Field Observations: Field A Killynock (also referred to as unit 36 - Grid Reference NX320601)

The field has a mosaic of habitats with two drumlins forming the high ground and streams and bog on the lower ground. The reseeded in this area is proposed on the two drumlins but was not proposed on the intervening areas of the less intensively managed and uncultivated habitat. [REDACTED] informed us that he had been advised by his [REDACTED] Advisor that it would be acceptable to spray and reseed the drumlins providing he did not plough or "break" the land and that he could do this prior to

1 Pennyburn Road, Kilwinning, KA13 6SA

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awaiting the decision of any EIA process. It is the NatureScot opinion that this was the wrong advice to have been issued. It completely undermines the whole process of the EIA to assess potential impacts prior to any decision. The reseeded works therefore, proceeded prior to the joint agency visit and without any prior consultation or discussion of their impacts. When we arrived on site, we had to view the proposed works as detailed in this "Application for Screening Decision" after they had actually taken place. At the time of our visit, therefore, both Drumlins in Field A had already been sprayed off and resown with forage crop. That made the assessment tasks much harder as we needed to search for evidence of what had been there previously. There are two different drumlins in Field A and each will be discussed separately.

With regard to the north-western drumlin, when we inspected the sprayed areas, the original vegetation could still be seen in some places where the spraying had been incomplete. That was sufficient to confirm that the previous grass sward had been improved grassland.

With regards to the south-eastern drumlin, the sprayed area whilst mostly improved grassland, did include wetter rushy areas that would have at least been semi-natural and are now sprayed and sown with forage crop which appears in part unsuccessful. Spraying was less successful on these wetter areas and recovery to the original habitat is possible. Perhaps a quarter of this drumlin may have been semi-improved prior to the works progressing (mostly in the north-east part of this drumlin). It is difficult to make a more accurate assessment due to the damage that had taken place which is masking what we should have seen. NatureScot would not have had concerns about those previously improved parts of this drumlin being reseeded, but we would have recommended an EIA take place to assess the proposal and are likely to have concluded that the semi-improved or unimproved areas which were perhaps a quarter of the drumlin would not be included in the reseed. Indeed, the attempts to reseed have failed in some of these areas suggesting that the land was unsuitable for the proposal.

The following paragraph relates to the impacts to both of the Drumlins in Field A. Unfortunately, the manner in which the works were carried out has been damaging to the surrounding area beyond what was originally proposed in the application. The area sprayed and planted with forage crop has extended in places into the previously uncultivated land which should not have happened. This has impacted areas of neutral grassland and acid grassland. A more significant and negative impact has occurred in the application of herbicide as the boom has extended the spray beyond the target area killing a swath of ground in places 8 metres wide of uncultivated species rich ground around much of the edge of the drumlins. This has impacted on what would be considered "uncultivated" species rich grassland and also into the edges of the bog. These species rich edges of the drumlin contained the following species (species rich indicators in bold) - Selfheal, **Tormentil**, Ribwort Plantain, Bracken, **Eyebright**, Sheep's Sorrel, White Clover, Yorkshire Fog, Creeping Buttercup, **Red Clover**.

This activity highlights a fundamental issue such that even when a line is agreed on a map a contractor depending on their briefing may or may not pay sufficient attention to that detail and might feel they are doing the farmer a favour by over spraying and pushing back the natural edge rather than exercising caution and keeping back from the natural habitat. In terms of the consideration of this case and indeed future cases elsewhere, this highlights a strong need for those areas targeted for reseeded/management once agreed to be physically marked and agreed on the ground to ensure that there is no unintended damage that the regulations are in place to avoid.

If you require any further clarification of the NatureScot position, please let me know.



Annex C (Historic Environment Scotland comments):

Thank you for this Environmental Impact Assessment (EIA) scoping consultation, which we received on 20 April 2026. We have reviewed the details in terms of our historic environment interests. This covers cultural World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and Historic Marine Protected Areas.

You should seek information and advice from Dumfries and Galloway Council's archaeological advisor on impacts on unscheduled archaeology. Their archaeological and conservation advisors will also be able to offer advice on topics covered by our advice-giving role, as well as category B- and C-listed buildings and conservation areas. Dumfries and Galloway Council's archaeological service can be contacted on:

- Email archaeology@dumgal.gov.uk
- Call 07342 060202

Our Advice

We have not identified any likely significant effects on our historic environment interests. We are content for our interests to be scoped out of any further assessment.

Further information

Decisions that affect the historic environment should take the Historic Environment Policy for Scotland (HEPS) into account as a material consideration. HEPS is supported by our Managing Change guidance series.

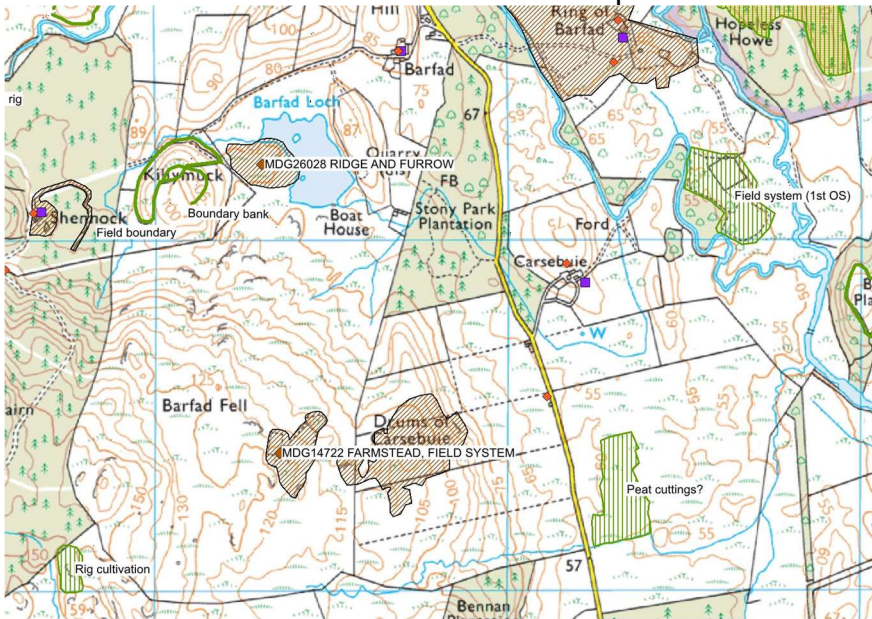
We hope this is helpful. If you would like to submit more information about this or any other proposed development to us for comment, please send it to our consultations mailbox.

If you require any further clarification of the Historic Environment Scotland position, please let me know.

Annex D (Dumfries and Galloway Council Archaeologists comments):

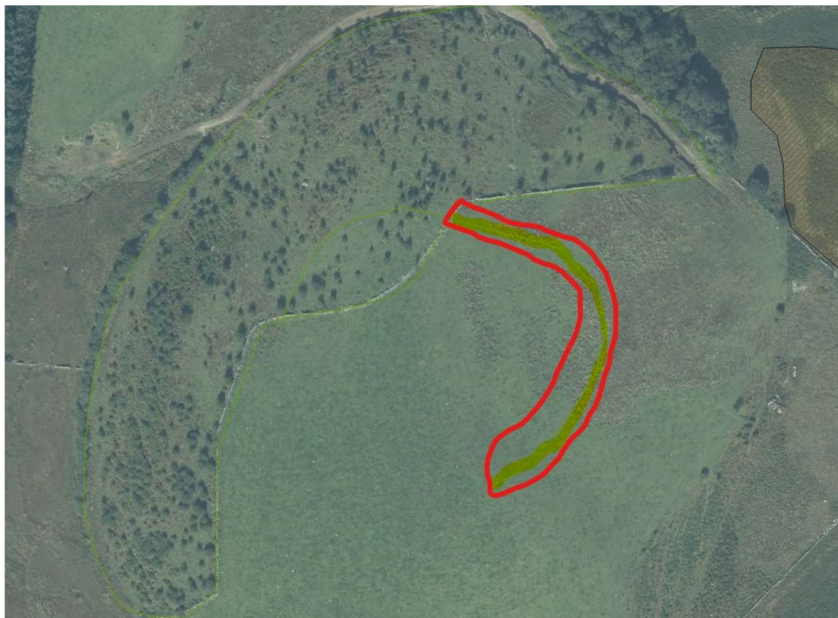
From email of May 6, 2026:

Field A is the one that contains a medieval/post-medieval boundary bank, see attached map



From email of May 7, 2026:

I have highlighted the area of the feature that could potentially be impacted on the attached aerial view. I would be content if the area were checked on the ground, and if any visible traces of the bank could be seen then a couple of photographs should suffice as a record. The majority of the feature lies under the existing dyke round the wooded/brush area and will not be affected.



If you require any further clarification of the Dumfries and Galloway Council Archaeologists position, please let me know.

Annex E (Scottish Environmental Protection Agency comments):

From email of April 28, 2026:

I have taken a further look at the information submitted.

The only comments SEPA would make are:

- Sediment from the land levelling and drainage operations must not cause pollution in any nearby watercourse
- No culverting of small burns / farm ditches without prior discussion and approval from SEPA.

If you require any further clarification of the Scottish Environmental Protection Agency position, please let me know.



Annex F: optional elements may include:

- the contribution of the project to the financial welfare of the farm business e.g. contribution to farm income or the continued economic viability of the holding or contribution to the local community
- any animal health or welfare benefits
- the number of jobs created or safeguarded, if any
- the need for the project as part of a wider programme aimed at achieving overall environmental benefits, better waste management or reducing pollution

