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[REDACTED TEXT]

MLC [REDACTED TEXT]
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EIA Ref 2025-022
Date 07/07/2026

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

Dear [REDACTED TEXT],

Thank you for your request of 02/06/2026 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, Scottish Environmental Protection Agency, and Historic Environment Scotland. You can see their full remarks in **Annexes C 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

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 B**, 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:

- a. *The Regulations require Scottish Ministers to consult interested parties and make details of the application available to the public. We will consider all comments received. At the time of submitting the EIA report you must pay the Scottish Ministers the costs for the publication of the notice.*
- b. *The regulations require that the EIA report is completed by a qualified expert. You can find lists of potential people who could help here:-*
 - <https://cieem.net/i-need/finding-a-consultant/>.
 - <https://www.scotfwag.co.uk/>

There will be other ecologists not on those lists that are suitably qualified. It is your choice who you select so you may wish to contact your local agricultural agent to see if it's something they can help you with.

- c. ***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.

Yours sincerely

[REDACTED TEXT]

Principal 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 green house 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: 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



Annex C – NatureScot:

Thank you for consulting NatureScot on the Scope of an Environmental Statement for **[REDACTED TEXT]** at **[REDACTED TEXT]**, reference **[REDACTED TEXT]** Application for Scoping Opinion.

Nature Scot had the opportunity to visit the land on 6 October 2025 with RPID and discuss plans with **[REDACTED TEXT]**. NatureScot previously responded to RPID on 1 December 2025. Our advice was that an Environmental Statement needs to be prepared for the farm on account of the uncultivated or semi-natural land within the areas proposed for restructuring.

Summary Position:

The proposal is as we understand it to restructure the field (NX/69644/58843) by stripping the soil and pushing the higher ground and rocky outcrops into the lower areas to facilitate easier management with machinery. A field drain through the field is broken and the proposal is also to repair that field drain. The proposal also includes the re-instatement of land around the slurry lagoon which was constructed in 2017. We are aware that land restructuring works have previously taken place on this landholding since the regulations came into force during 2017. **NatureScot's position is that an Environmental Statement needs to be prepared for this land.** Our recommendations for the topics which should be covered within an Environmental Statement are as follows:

NatureScot recommends that the EIA includes details on the following:

- Clear details of the proposals within the field sufficient for a reasonable judgement to be made upon changes and impacts relevant to biodiversity and landscape e.g. does it involve field drain repairs, knoll removal and if so which ones, soil movements, or landscaping around slurry lagoon. This should include an annotated map clearly showing location of the various proposals.
- Map showing all fields within farm holding indicating which have undergone restructuring or “smoothing” or agricultural improvements since the EIA Agriculture Regulations came into force in 2017.
- Botanical survey to NVC standard of field being restructured and also those field nearby that also retain natural habitat. From an inspection of aerial photographs, we would suggest that this will include four further fields which lie immediately south, west and north of the field proposed for restructuring (NX697591, NX693588, NX693585, NX695584).
- Mitigation for any proposed loss of habitat and potentially landscape impacts that may result from the proposal.
- We are not of the opinion that Protected Species will be impacted by the proposal, however, we advise that current data from SWSEIC and the NBN Atlas for Scotland are sourced for the field proposed for restructuring and a reasonable distance around that field in order to provide context. We are not suggesting in this case that standard bird survey methodologies are required, but the EIA should include any observations of birds or insects which are noted whilst doing the habitat survey.
- We note that no “Nationally” important landscapes (such as National Scenic Areas) will be impacted. The proposal as outlined will have landscape impacts by changing the form of the land and potentially removal of sky-lining features and may result in the slurry lagoon become more visible. A summary of such impacts and any proposed mitigation should be included. RPID may also wish to consult with Dumfries and Galloway Council who can make representation on impacts on Regional Landscape considerations.

- If significant impacts on soils will take place it will be helpful to make comment on the consequences of such changes to the proposal and or surrounding ground (for example organic matter, erosion, compaction, sealing) .

During our December response we provided a species list from our October visit which included 9 species which were indicative of species rich grassland. I would anticipate that a visit to the site at an earlier time of year will likely encounter more.

Annex D – SEPA:

SEPA has no objection to the heap of soil being used on the lagoon walls, we would insist on these bare soil faces be seeded as soon as possible to prevent wall slippage.

From an EIA perspective SEPA would keen to see a drainage plan being submitted by the farmer outlining the work he intends undertaking. This should include an outline of the work to be undertaking in respect of the existing ditch drainage system. Mitigation measures must be installed during the field tile drainage repair to avoid sediment pollution of the nearby watercourse.

Details should be provided on any cultivation and reseedling which is planned as from a SEPA perspective the farmer cannot cultivate any land with 2m of the top of the bank of any watercourse and SEPA will not permit any culverting of exiting watercourses for land gain

Annex E – HES:

Thank you for consulting us on this Environmental Impact Assessment (EIA) scoping report, which we received on 12 June 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.

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include topics covered by our advice-giving role, and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas.

Proposed development

We understand that the proposed development involves restructuring the identified field by stripping the soil and redistributing higher ground and rocky outcrops into lower areas to facilitate easier management with machinery.

Scope of assessment

The documents provided do not include any information on potential effects on cultural heritage assets. However, we consider that sufficient information is available in this case to conclude that there are no likely significant effects on our historic environment interests. We therefore have no advice to offer on the scope of assessment.