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[REDACTED TEXT]

EIA ref: 2024-011
15th January 2025

**Agriculture, Land Drainage and Irrigation Projects (Environment Impact Assessment)
(Scotland) Regulations 2017**

DECISION NOTICE

Dear Mr [REDACTED TEXT]

Improvements at [REDACTED TEXT] – This project proposal includes intensification of semi-natural ground by restructuring boundaries through dyke removal, rocky knowe removal, tree/scrub removal, drainage work, chemical herbicide application, cultivations, lime and slurry applications and reseedling at NX786494, 10km East of Kirkcudbright.

Decision: Consent refused

We will write to you again in due course with regards to reinstatement of the land already worked on without consent in 2024. Please be aware that the stop notice is still in effect.

Reason for decision:

We consider the Environment Impact Assessment (EIA) report provided as not competent. Important information required, as outlined in Schedule 3 of the Regulations, is either missing or has not been fully addressed.

We also disagree with the conclusion of the EIA report in terms of its assessment of the quality and value of the habitats which would be lost because of this project. The proposed project would have a significant detrimental effect on the habitats and biodiversity of the area. We are not satisfied that these effects can be managed by way of mitigation as set out in the report.

Description of consultation process:

All relevant consulting bodies and the public were given 30 days to review the EIA report and make representations. Public notices describing, the consultation period, how to obtain a

copy of the report and how to make representations were issued in the Galloway News, the Edinburgh Gazette, and the EIA register.

Summary of environmental information provided by applicant:

The report, as available online, was submitted. It includes: An overview of farming practices at [REDACTED TEXT], a description of the proposed works, a habitat focused survey of the project area, an assessment of the importance of the habitats therein, a summary of recently displaced habitats, and mitigation proposals.

The report concluded that the environmental impact of the proposed works was not significant, and recommended that two areas of wetland should be retained.

Summary of consultation responses:

The bodies consulted with were, NatureScot (NS), the Scottish Environmental Protection Agency (SEPA), Forestry Scotland (FS) and Historic Environment Scotland (HES). The full responses from these bodies can be found at Annexes A, B, and C.

NatureScot objected to the proposed project for the following reasons:

- Information required by Schedule 3 of the regulations was missing from the EIA report
- The habitats at [REDACTED TEXT] are valuable and their loss would be significant
- Description and estimation of the extent of damage to the environment caused by works previously carried out without a screening decision has not been included in the EIA Report

SEPA provided conditions to be imposed had the project been approved.

FS raised no objections to the proposed project from their perspective.

HES did not respond to the EIA report, but they confirmed they had no reason to require a full EIA report at the screening stage.

The public comments have been summarised:

we received 11 responses from the public, all of which objected to the project.

In general, the public are concerned that:

1. The project is likely to damage soil health and biodiversity
2. The project has the potential to cause pollution to the water environment
3. The ecological survey is incomplete
4. The project will lead to the loss of landscape features
5. There has already been too much restructuring around the project area

Redacted copies of the responses can be found at annex D. Please note that the opinions expressed are those of the public and are not necessarily the position of the Scottish Ministers.

Right to appeal etc:

If you are aggrieved by the decision to refuse consent in respect of the proposed project, you may appeal to the Scottish Ministers under Section 30 of the Agriculture, Land Drainage and Irrigation Projects (Environment Impact Assessment) (Scotland) Regulations 2017 within three months beginning with the date of this notice.

The notice of appeal should be addressed to:

Principal Agricultural Officer
Rural Payments and Inspections Division
161 Brooms Road
Dumfries
DG1 3ES

Appeals can also be lodged online via email to SGRPID.Dumfries@gov.scot

Yours sincerely
[REDACTED TEXT]

Higher Agricultural Officer

Annex A – NatureScot response:

Thank you for consulting NatureScot in respect of “EIA Report Consultation for [REDACTED TEXT]” submitted by [REDACTED TEXT] on 7 October 2024 for their land at [REDACTED TEXT] Farm.

Background

The proposal is to increase the area of active silage for the farm unit. Works to that effect had begun earlier this year without going through the required EIA process and consequently RPID were required to place a stop notice on these works before they were completed. Subsequent discussion concluded that the EIA process would need to be followed in order to assess both the current damage and present the impacts of further proposals. The EIA currently under consideration is presented as a result of that. The purpose of the EIA is to assess habitat losses since the EIA regulations came into force in 2017, damage done during the unauthorised works earlier this year and the further proposed works to increase the area for silage. The EIA needs to assess both the impacts on biodiversity that has currently taken place, the impacts on biodiversity that is proposed, and to suggest appropriate mitigation.

We met the farmer, [REDACTED TEXT] on three occasions, their agent [REDACTED TEXT] and their ecological consultant [REDACTED TEXT] and conducted two visits to the farm to look at the fields in question and carry out our own botanical study.

Whilst the applicant elected to not go through formal scoping, informal conversations regarding the ES contents was discussed. We highlighted the need for the following:

- An assessment of the habitats across the whole [REDACTED TEXT].
- An assessment of the extent of natural habitat on the farm using aerial photographs from 2017 when EIA regulations came into force and a quantification of the change in habitats on the farm since then.
- Full Impact on biodiversity of the unauthorised land improvements works that took place earlier in 2024 prior to the stop notice being issued.
- Assessment of the biodiversity impacts of any further proposed works.
- Mitigation proposed to cover the losses incurred earlier in 2024 and also any of those proposed as part of the EIA.

NatureScot Position: We advise that the EIA is not competent. A number of key sections have not been addressed. We also disagree with the conclusion of the EIA in terms of its assessment of the quality of the habitats that are proposed for further removal.

We have concluded that the EIA in its current form is not competent as topics in the earlier discussion have not been addressed and therefore, it cannot fully assess the impacts on the environment. The following topics which were discussed in advance have not been addressed at all:

- Site and project description including an assessment of the extent of natural habitat on the farm using aerial photographs from 2017 when EIA regulations came into force and a quantification of the change in habitats on the farm since then.
- Impacts on biodiversity of the unauthorised land improvements works that take place earlier in 2024 prior to the stop notice being issued.
- Adequate and proportionate mitigation proposed to cover the losses incurred earlier in 2024 and also any of those proposed as part of the EIA.

We disagree with the EIA conclusion that the ecological importance of the habitats range from “site to local”. The assemblage is comparable to that seen within Sites of Special Scientific Interest elsewhere within Dumfries and Galloway and both the grassland and wetland elements are considered to be species rich.

Our assessment of the three fields proposed for conversion to silage is as follows:

Field A

This field has semi-natural vegetation communities which exceed 30% coverage of the field. The grassland communities are species-rich, particularly as acid grasslands generally support a lower variety of wildflowers. The vascular plant species list in [REDACTED TEXT]'s report noted sixteen of the 26 indicator species from the field sheet¹ used in agri-environment climate scheme (AECS) assessments are present. Grassland habitat is considered species-rich where there is the presence of four or more indicator species across the sward.

The diversity of vascular plant species makes this field particularly species-rich, and the presence of orchids indicates no ploughing or fertilisation/liming has occurred in recent years, possibly decades.

Field B

This field has been cultivated in the northern half and has had its hydrology permanently altered with drainage works. The southern half has only recently been ploughed. The list of vascular plants species recorded includes three grassland indicator species plus Bluebell *Hyacinthoides non-scripta*. This is borderline for the species-rich 'test' but the area has been heavily disturbed due to gorse clearance and drainage work prior to our visit.

Field C

The [REDACTED TEXT] report indicates an area of marshy grassland along the eastern edge of field C with a number of species such as pignut, marsh pennywort and marsh bedstraw which indicate that this is a small area of wetland that has not recently received any agricultural improvement.

In our view Field C, which has been prepared in part for silage production with some drainage works, to be species-rich in part. NatureScot recorded thirteen indicator vascular plant species in three areas in the lower part of this field.

Conclusion of habitat quality

The species and habitat observations indicate that field A does not represent land that has been limed, ploughed, drained, reseeded or intensively farmed in recent years. All of field A is considered to be an important site due to the mosaic of wetland and grassland habitats which are botanically rich. Field A is considered to be uncultivated and semi-natural land, the proposed work would have a significant environmental effect on the habitats present. Field A is considered to be species rich.

The species list and habitat observations for the area of marshy grassland in field C indicate that this area has not been intensively farmed in recent years. The area within field C is considered to be uncultivated and semi-natural land, the proposed work would have a significant environmental effect on the habitats present. An appropriate buffer around the marshy grassland is required to protect the habitat from nearby agricultural activities.

Providing no further damage is caused to the habitat the field drains within this field should be broken to ensure there are no further impact on the wetland habitat. Despite the damage in recent works Field C is considered species-rich in part.

Field B despite the recent damage is borderline in the species richness test. The southern end of Field B could provide a wildlife corridor to connect Fields A and C and keep a hydrological connection.

The land (Fields A, B and C) can be considered uncultivated prior to the recent works and also that any historical drainage that had taken place was no longer functioning to the extent that this would be a new drainage area, not considered for any reinstatement.

Mitigation

The recent works although causing localised damage are reversible in time (in relation to Field B and C).

- We consider that field drains should be broken to re-wet the recently drained area of Field C.
- An appropriate boundary needs to be selected in field B between the more intensely managed northern area (silage) and the southern end where the drainage works have taken place and the damaged areas are recoverable.

If RPID were minded to request a resubmission of an EIA it might also usefully include commentary on:

- The volume of rock and soil involved in the restructuring proposals in order to create the silage fields in the phase or works leading up to the stop notice and also the volumes proposed from removal in the further restructuring.
- Quantification of the work already undertaken in the past year prior to the stop notice such as culverting of the stream/drain in Field B, drainage works in Fields B and C, areas of gorse removed and areas of rock removal.
- Commentary on the significant volume of spoil in Field C, in particular where it originated.

Further points:

We were surprised that the EIA made no mention of the presence in many areas of the site of Whorled Caraway . This was noted in the [REDACTED TEXT] report for Field A and NatureScot noted its presence in all three fields (A, B and C). Whorled Caraway is an indicator species for the Purple Moor Grass Rush Pasture LBAP habitat. The applicant may also wish to contact the local biological records centre to get an independent assessment of the importance of local species and LBAP habitats to revisit the ecological importance of the habitats. The local records centre could also be asked if they have any further species data for that land.

Whilst we acknowledge there is a section within the EIA entitled Mitigation this only considers the retention of two pockets of wetland within the areas where further habitat loss is proposed. It does not address the required mitigation across the farm holding to take account of losses through the unauthorised works nor does it adequately address the mitigation requirement for the further biodiversity losses that are proposed. The mitigation as proposed is therefore not fit for purpose in the context of the works proposed. The compensatory area proposed is an existing natural habitat on the farm, and is therefore not suitable for a compensatory area.

The "Application for an Environmental Impact Assessment (EIA) Screening Decision" submitted by the applicant is somewhat confusing. It states both that the three fields will be restructured, sprayed off, ploughed or cultivated, limed and reseeded with modern grass mix, dykes removed, and trees removed. An Addendum to that report then goes on to conclude only that there will be only "potential disruption to natural habitats" and also, that "there should be very little impact on the habitats of the area". These are the field which we have identified from the survey data as species rich and the proposals if applied to these areas would remove virtually all of their ecological interest save for two small wetland areas that would be retained. It is very difficult to understand how this conclusion can be presented in support of the application as the two positions contradict each other. The same form also concludes that for the proposals "Water will remain unchanged with a small stream running at the fence line of one field". This fails to take account of the unauthorised works which led to the stop notice being served earlier this year having already removed one stream in the northern half of Field B. Another contradiction in the conclusions notes that the Ecological Importance of the habitats are local, but notes no habitat constraints.

Annex B – SEPA response:

Many thanks for the EIA consultation. SEPA has taken a close look at the application and have the following points to make:

- The application infers the work is needed to supply the farms Anaerobic Digestion operation I would just ask what the farming and environmental benefit is of undertaking this work.
- The applicant must ensure following land work undertaken in terms of breaking up knolls that there is an average soil depth of 40cm across the field as per the General Binding Rules (GBR) if slurry spreading is proposed to occur.
- SEPA is content for field drainage to be repaired and additional drainage installed provided no springs or issues as marked on the Ordnance Survey (OS) are caught and piped underground.

Annex C – FS response:

Consultation on the agricultural works at [REDACTED TEXT]

Thank you for the opportunity to comment on the above proposal.

I note from the information provided, there is a suggestion that some tree removal may be undertaken as part of the proposal.

The felling of trees is regulated through the Forestry and Land Management (Scotland) Act 2018 through the issuing of a felling permission unless it is deemed exempt.

Looking at the aerial photographs and following a site visit, the tree removal identified would fall under the exemption criteria of the felling regulations.

Annex D – Public responses:

001:

I would like to put an objection to this application for work to go ahead on these fields. I strongly object as the proposed work would have a detrimental affect on the wildlife and biodiversity as well as the integrity of the land.

As a local [REDACTED TEXT], I am passionate about preserving the soil structure which needs to be in good condition for a huge amount of insects and wildlife.

The proposed work on these fields would put in the health of the soil and wildlife in jeopardy and have a devastating effect on all wildlife.

Best wishes, [REDACTED TEXT], resident of [REDACTED TEXT]

002:

Objection to EIA 2024-011 Farm 'field re-structuring' at Auchencairn in Galloway

From [REDACTED TEXT] 13/12/2024

Objection to the drainage and conversion to intensive agriculture of three nature-rich fields at Auchencairn

Reasons for objecting

It appears that the Environmental Impact Assessment for the conversion work covers the existing vegetation but does not include the range of other richness such as the value and

importance of the birdlife, invertebrates, mammals, reptiles and amphibians. It also does not include the landscape value and intrinsic value to local people and those who value nature.

We are in a Climate and Nature Emergency. Galloway is experiencing huge declines in natural habitats, wildlife populations and landscape change. The characteristic landscapes of South Galloway are the beautiful rolling fields with rocky outcrops, colloquially named 'knowes' with small copses of flowery gorse, hawthorns, rowan, elderberry and the taller ash and oaks. Between the knowes, in the hollows, small areas of marsh and pools, rich in orchids, meadowsweet, frogs and wading birds. The areas of scrub and shrubs are a real oasis for wildlife, providing cover, nectar and food for a huge range of wildlife but are greatly under-appreciated. Between and below these rocky outcrops and trees there are rich grasslands, full of wild flowers, including the clovers, vetches and trefoils rich in nectar and also by the grazing livestock that maintain the rich swards.

The grasslands have been nurtured by traditional farming for many many generations of farmers, who knew each field and copse and looked over their animals from the rocky outcrops and down to the sea, the curlews called. Their animals knew which plants to search out when they had ailments and even now, on intensive farms, there are often one or two fields kept by the farmhouse with their natural herb-rich vegetation for sickly animals - the 'nurse fields'.

The rapidly increasing loss of the Galloway landscape and nature-rich habitats through ongoing scrub/tree clearance, drainage of vital wetlands, spraying of natural grasslands and the ploughing up for a monoculture of rye grass is catastrophic for wildlife. The removal by heavy diggers of the beautiful rocky knowes destroys our unique landscapes. Species such as the Northern Brown Argus butterfly, a local and National Biodiversity Action Plan protected species depends upon one food plant, the Rock rose, that lives only on the thin soils of the rocky knowes.

What we are facing in Galloway, by the rapid intensification of dairy farming, is the death of nature by a thousand cuts. The euphemism of 'restructuring fields' means destroying the landscapes and nature-rich habitats field by field, till nothing natural is left on the farm. Bit by bit all biodiversity is removed until what was once common is now becoming rare. Whole landscapes are levelled and made uniform green in a land that was recently rich, varied and beautiful.

Addressing the flaws of the EIA - Omissions

The EIA addresses the existing plant communities well, showing how two of the fields possess habitats and plant communities of 'Local Importance'. But it is an incomplete survey due to the fact that it doesn't include any species of animals that may depend on the site. For example, it is now well known that bees and other pollinators are in steep decline in the UK and Scotland. The Great Yellow bumblebee (a Scottish specialist is heading towards extinction). Pollinators depend on the natural flora of grasslands and these fields have a very good range of marshland and grassland flora that provide nectar, pollen and larval food throughout the season. **Rocky knowes with the beautiful Rock rose flower provide the caterpillar food plant for the rare Northern Brown Argus butterfly which has one of its last remaining strongholds in South Galloway. The EIA does not survey for this 'UK Biodiversity Action Plan priority species' so it is not known if it occurs here.** Many other invertebrate groups prosper in the intimate vegetation mosaics found in these fields, with wetland marsh and dry grassland habitat mosaics. The proximity of rich grasslands to

scrub and woodland is also known to be especially valuable to invertebrates (Roger Key pers com, invertebrate specialist for Natural England).

Many birds are insectivorous and may use these fields, but we don't have that information as the survey doesn't include them. **A local observer has found Snipe breeding in the wetland areas here in the fields earmarked for drainage** (I do not have the exact location yet). Snipe are a species that was once a common breeding bird in Galloway, requiring permanently wet boggy conditions, but are now much rarer. Due to the ongoing drainage throughout Galloway, their habitats are being lost and thus any site where they breed should be protected from destruction. Curlew, Meadow pipit and skylark are other species that were once common and now much more scarce, breeding Curlews have almost been lost from Galloway due to the loss of wet habitats and the destruction of nests due to silage cutting.

The survey does not cover the use of the field habitats by reptiles and amphibians, many of which are threatened by habitat loss in Galloway. Galloway traditionally, with its varied topography and wetland hollows has been a rich home for Great crested newts, a protected species, that travel far from their breeding ponds when not breeding. Also the use of the site by bats has not been investigated.

The EIA Recommendations and Mitigation - Flaws

The EIA gives consent to allowing the vast majority of the natural flora-rich fields and wetlands to be destroyed. They can be sprayed with weed killer, ploughed up, sown with a mono-culture of rye grass and drained. Drainage means changing the ground water and flow water characteristics that give these wet fields their distinctive vegetation and rich habitats for wildlife. While it may be said that fields are quite small they do represent some of the last remaining fields on the farm where natural grassland, marsh and swamp occur. Since 2020 all the other natural grassland and rocky fields (11 I believe) have been 're-structured' and have lost all their wildlife and landscape value. The reason these last remaining 2-3 fields persist is because they are the wettest and rockiest and thus hold the last remnant of natural grasslands on the farm. They will be the most expensive to drain and plough up and will always naturally 'want' to remain wet.

The EIA does not assess the value of these wet rich fields in the context of what has, and is, continually being lost locally. One only has to live in South Galloway, or to look at the land surrounding the farm to see how little of this flora-rich pasture and wetland is left today. Field re-structuring has taken off rampantly in the last few years, with little oversight or control implemented by the Authorities. So many special places lost. So now, places like this are becoming much rarer and localised, they have an enhanced and increasing importance. The EIA states that parts of these fields have a 'Locally distinctive Assemblage of plants' and are of 'Local Importance'. I would say they all are and increasingly so and are heading towards Regionally Important as so much is being lost.

A high profile pasture farmer, James Rebanks, who farms sustainably in the hills of Cumbria, stated (in his book 'English Pastoral') that he leaves 20% of his farm, the poorest bits for farming, un-improved and has employed re-generative methods on the remaining 80%. The wet areas he still grazes seasonally and has found no loss in income. 'Improving' wet land is very expensive and is working against nature and will never be very productive. I am paraphrasing here. Also, by draining these fields, water will run much faster into the local brook. When slurry is applied to these fields some of it is likely to flow into the drainage, especially in wet weather and pollute downstream. As livestock numbers are increased on the farm, they are invariably kept in doors, creating huge amounts of slurry. This is becoming a serious problem in Galloway, with huge mega dairies creating so much waste product that

there is pressure to get rid of it onto fields which may have difficulty absorbing such quantities of nutrients. We have seen what has happened to Loch Neagh in Northern Ireland, and the River Wye. Pollution from manure has virtually killed the huge Loch and the River Wye.

A further omission from the EIA is the stream habitat along the southern edge of the fields along the perimeter of the proposed drainage. Why was an assessment of this beautiful stream not done? If the drainage of adjacent fields runs into this stream the slurry problems mentioned above may occur. Also there is no buffer zone provision for this stream? So it can be sprayed and ploughed right up to its banks? We do not know the value of the in-stream flora and fauna, or the value of the bankside and adjacent habitats?

The EIA recommends the preservation of just two small areas, the two richest wetland sites. But is this sufficient and can they be sustained with the adjacent drainage that will be put in place if this plan went ahead? I believe not. The drainage will affect water flows from below and through the site as highlighted in the EIA, these habitats are 'Ground Water Dependent Terrestrial Ecosystems (GWDTE). There is a serious danger that these areas will dry out and lose all value. Additionally there is not a significant buffer to mitigate agricultural activities such as ploughing, pesticides and slurry spread. The EIA states two different widths for a buffer of 4-6m and 5-30m! There needs to be a minimum buffer of 12m at least around these wetlands and alongside the southern stream. But much better and much safer is to not allow the drainage and slurry at all and preserve the last two fields of good wetlands and grasslands on the farm. As a minimum the western part of the site between the two wet woodlands should remain intact. This includes the most important wetland, large areas of marsh, swamp and wet willow scrub. It links the two wet woods as an ecological link, and as mentioned previously, habitat mosaics which are connected are more sustainable and provide habitats for a greater range of species.

How does this project sit with the Policy of the Scottish Government to turn around biodiversity loss?

An extract from the Scottish Government's Biodiversity Strategy 2024 - 2045:

. 'The Scottish Biodiversity Strategy to 2045 aims to halt biodiversity loss by 2030 and restore and regenerate biodiversity by 2045. The strategy includes a "No Net Loss" approach to help measure and quantify biodiversity:

- **Identify losses:** Identify any losses that occur at operations
-
- **Minimize losses:** Minimize the impacts on biodiversity
-
- **Reverse losses:** Reverse any losses that occur
-
- **Balance losses:** Balance any remaining losses with gains elsewhere

The EIA also ignores the fact that the DGLBAP 2004, a D&G Council statement, states the driving aim is "no loss of area or quality" of habitats in D&G. This statement has not appeared in the document.

I suggest that the re-structuring of these wetland-rich fields does not meet the above requirements.

A couple of final points: the application declares that intensifying the farming here will increase carbon sequestration. I believe this to be a false assertion if you take the whole farm operation into account.

Soil carbon is taken into the ground by plant roots and stored there. By ploughing the land you are destroying the existing long-standing and complex root structures, root and soil fungi and microbes that make up a healthy organic-rich soil. Carbon is released, the soil loses organic matter. Many of these native plants have deep roots that cycle nutrients and retain soil structure and moisture.

The storage in slurry tanks of liquid manure releases significant amounts of methane. The application of nitrogen fertiliser, as proposed on these fields is also incredibly polluting in terms of the emissions of greenhouse gases. Significant amounts of Nitrogen Dioxide are released from open slurry storage and Nitrogen application, this gas is 273 times more potent than Carbon Dioxide. Every one ton of N fertiliser spread releases 2.6 tonnes of Carbon Dioxide. Much of the pollution comes in the production of these fertilisers that are fossil fuel based also. Apparently the production of Nitrogen fertilisers contributes 5% to global green house gas emissions (source for above information is from www.carbonchain.com)

Regenerative farming, working with the soils and nature is the way to go. Expensive fertilisers and feed are not required and many farmers are increasingly finding this a profitable enterprise. I realise that dairy farming is difficult and supermarkets do not pay farmers a fair price so they are pushed into ever more intensive farming. The whole system needs to become more sustainable.

003:

Dear Sir/Madam,

I am writing to object to the proposed drainage and agricultural restructuring works at NX786494, east of Kirkcudbright, as detailed in the Environmental Impact Assessment (EIA) notice (Ref: EIA 2024-011). These works will lead to significant environmental, ecological, and cultural harm, directly contravening Scottish policies and legislation designed to protect biodiversity, ecosystems, watercourses, landscapes, and the historic environment.

Reasons for Objection and Contravention of Policies

1. Inadequate Scope of the Environmental Impact Assessment (EIA)

The EIA submitted for this proposal fails to sufficiently address the wider environmental and ecological impacts of the works. While it includes an assessment of plant communities, it excludes critical aspects such as:

- Wildlife Dependence on the Site:

There is no survey of birdlife, invertebrates, mammals, reptiles, amphibians, or other species that depend on the site's semi-natural habitats. Local reports indicate that Snipe may breed in these wetlands, and Curlew, Meadow Pipit, and Skylark, all in significant decline, also depend on such habitats. Amphibians such as Great Crested Newts, a protected species, could also use these habitats. The omission of these assessments leaves the true ecological importance of the site unquantified.

- Rare and Protected Species:

The Northern Brown Argus butterfly, a species listed under the UK Biodiversity Action Plan, depends on Rock Rose, a plant that thrives on rocky outcrops ("knowes") found in these fields. Removing these outcrops eliminates the butterfly's critical food source. Additionally, the flora-rich marshes and grasslands provide essential resources for pollinators like bees, including the Great Yellow Bumblebee, now heading toward extinction in Scotland.

- Landscape and Cultural Value:

The EIA ignores the intrinsic value of the South Galloway landscape and its significance to local people. The rolling fields, rocky outcrops, copses, and wetlands create a distinct mosaic of habitats, representing generations of traditional farming and a critical refuge for nature.

- Stream Habitat on the Site's Periphery:

The southern boundary of the proposed site includes a stream whose ecological health and biodiversity value were not evaluated. Drainage works could pollute this watercourse with

nutrient runoff, particularly slurry, and disrupt its hydrology. Furthermore, there is no buffer zone planned to protect this stream.

2. Impact on Biodiversity and Habitat Loss

We are in a Climate and Nature Emergency, and the ongoing loss of natural habitats across Galloway is accelerating the decline of wildlife populations. The destruction of these habitats would contravene:

- Scottish Biodiversity Strategy 2024-2045:

The government's strategy aims to halt biodiversity loss by 2030 and restore biodiversity by 2045. This proposal accelerates the destruction of wetland habitats, species-rich grasslands, and natural mosaics. Key objectives of "minimizing losses" and "balancing losses with gains" are ignored.

- Environmental Impact Assessment (Scotland) Regulations 2017:

The proposed activities will result in irreversible harm to habitats identified as being of "Local Importance." As the last remaining natural grasslands on the farm, these fields are increasingly rare and may warrant designation as of "Regional Importance" in the context of widespread habitat loss locally. Allowing their destruction is inconsistent with Scotland's commitments to biodiversity protection.

3. Watercourse Pollution and Hydrological Impacts

The drainage works will fundamentally alter local hydrology, increasing runoff, flooding risks, and nutrient leaching into adjacent watercourses. This poses risks to both local water quality and downstream ecosystems. Such outcomes contravene:

- Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR):

CAR requires detailed planning to prevent pollution of watercourses, which is not evident here. The lack of mitigation measures for slurry runoff or adequate buffer zones poses clear risks.

- Dumfries and Galloway LDP2 Policy NE11:

This policy requires safeguarding of water resources and minimization of pollution. The absence of a hydrological assessment or detailed water management strategy demonstrates non-compliance.

4. Destruction of the Galloway Landscape and Cultural Heritage

The proposal will irreparably harm the unique character of the Galloway landscape. Rocky knowes will be removed, wetlands drained, and species-rich grasslands replaced with monoculture rye grass. These changes represent the loss of landscapes that have been nurtured by generations of traditional farming. This contravenes:

- Scottish Planning Policy (SPP) 2014, Paragraph 137:

Developments must preserve or enhance the character of Scotland's historic and cultural landscapes. The loss of iconic South Galloway features such as rocky outcrops and copses undermines the distinctiveness of this landscape.

- Dumfries and Galloway LDP2 Policy HE6:

HE6 mandates the protection of regionally significant cultural landscapes. The ongoing destruction of South Galloway's traditional landscape, field by field, is contrary to this policy.

5. Unsustainable Agricultural Practices

The works prioritize short-term agricultural intensification over sustainable farming, further degrading Scotland's natural environment. This violates:

- Scottish Planning Policy (SPP) 2014, Paragraph 154:

Land use must balance agricultural productivity with environmental stewardship. Field restructuring, monoculture reseeding, and excessive drainage ignore sustainable practices that preserve biodiversity and soil health.

- Dumfries and Galloway LDP2 Policy ED12:

This policy promotes environmentally responsible farming. Sustainable methods, such as leaving wet areas for seasonal grazing, could achieve productivity without destroying habitats.

6. Cumulative and Precedent Concerns



This proposal is part of a broader pattern of habitat destruction across South Galloway, where field restructuring has resulted in the loss of numerous nature-rich habitats. Since 2020, at least 11 other fields on this farm have been “restructured,” leaving these as the last remnants of wetland and natural grasslands. This sets a dangerous precedent for unchecked agricultural intensification, undermining Scotland’s climate and biodiversity goals.

Recommendations

Given the significant environmental, ecological, and cultural harm posed by this proposal, I strongly urge the Rural Payments and Inspections Division to refuse consent for EIA 2024-011. At minimum:

1. A comprehensive Environmental Impact Assessment must be conducted, including detailed surveys of birdlife, invertebrates, mammals, reptiles, amphibians, and stream habitats.
2. Wetlands, grasslands, and rocky knowes should be preserved, with substantial buffer zones (at least 12 meters) around sensitive habitats and watercourses.
3. Sustainable farming practices, such as seasonal grazing of wetlands, must be implemented to align with Scotland’s biodiversity and climate goals.
4. The cumulative impacts of habitat loss in South Galloway must be assessed to prevent further erosion of biodiversity and landscape value.

Conclusion

The proposed works represent irreversible harm to South Galloway’s biodiversity, landscapes, and cultural heritage. Approving this proposal would contravene Scottish legislation and commitments to halting biodiversity loss and protecting our environment. I also include below a detailed description written by a local expert, of shortcomings of the current IEA

Thank you for considering this objection.

Yours sincerely,
[REDACTED TEXT]

Reasons for objecting

It appears that the Environmental Impact Assessment for the conversion work covers the existing vegetation but does not include the range of other richness such as the value and importance of the birdlife, invertebrates, mammals, reptiles and amphibians. It also does not include the landscape value and intrinsic value to local people and those who value nature.

We are in a Climate and Nature Emergency. Galloway is experiencing huge declines in natural habitats, wildlife populations and landscape change. The characteristic landscapes of South Galloway are the beautiful rolling fields with rocky outcrops, colloquially named ‘knowes’ with small copses of flowery gorse, hawthorns, rowan, elderberry and the taller ash and oaks. Between the knowes, in the hollows, small areas of marsh and pools, rich in orchids, meadowsweet, frogs and wading birds. The areas of scrub and shrubs are a real oasis for wildlife, providing cover, nectar and food for a huge range of wildlife but are greatly under-appreciated. Between and below these rocky outcrops and trees there are rich grasslands, full of wild flowers, including the clovers, vetches and trefoils rich in nectar and also by the grazing livestock that maintain the rich swards.

The grasslands have been nurtured by traditional farming for many many generations of farmers, who knew each field and copse and looked over their animals from the rocky outcrops and down to the sea, the curlews called. Their animals knew which plants to search out when they had ailments and even now, on intensive farms, there are often one or two fields kept by the farmhouse with their natural herb-rich vegetation for sickly animals - the ‘nurse fields’.



The rapidly increasing loss of the Galloway landscape and nature-rich habitats through ongoing scrub/tree clearance, drainage of vital wetlands, spraying of natural grasslands and the ploughing up for a monoculture of rye grass is catastrophic for wildlife. The removal by heavy diggers of the beautiful rocky knowes destroys our unique landscapes. Species such as the Northern Brown Argus butterfly, a local and National Biodiversity Action Plan protected species depends upon one food plant, the Rock rose, that lives only on the thin soils of the rocky knowes.

What we are facing in Galloway, by the rapid intensification of dairy farming, is the death of nature by a thousand cuts. The euphemism of 'restructuring fields' means destroying the landscapes and nature-rich habitats field by field, till nothing natural is left on the farm. Bit by bit all biodiversity is removed until what was once common is now becoming rare. Whole landscapes are levelled and made uniform green in a land that was recently rich, varied and beautiful.

Addressing the flaws of the EIA - Omissions

The EIA addresses the existing plant communities well, showing how two of the fields possess habitats and plant communities of 'Local Importance'. But it is an incomplete survey due to the fact that it doesn't include any species of animals that may depend on the site. For example, it is now well known that bees and other pollinators are in steep decline in the UK and Scotland. The Great Yellow bumblebee (a Scottish specialist is heading towards extinction). Pollinators depend on the natural flora of grasslands and these fields have a very good range of marshland and grassland flora that provide nectar, pollen and larval food throughout the season. Rocky knowes with the beautiful Rock rose flower provide the caterpillar food plant for the rare Northern Brown Argus butterfly which has one of its last remaining strongholds in South Galloway. Many other invertebrate groups prosper in the intimate vegetation mosaics found in these fields, with wetland marsh and dry grassland habitat mosaics. The proximity of rich grasslands to scrub and woodland is also known to be especially valuable to invertebrates (Roger Key pers com, invertebrate specialist for Natural England).

Many birds are insectivorous and may use these fields, but we don't have that information as the survey doesn't include them. A local observer has found Snipe breeding in the wetland areas here in the fields earmarked for drainage (I do not have the exact location yet). Snipe are a species that was once a common breeding bird in Galloway, requiring permanently wet boggy conditions, but are now much rarer. Due to the ongoing drainage throughout Galloway, their habitats are being lost and thus any site where they breed should be protected from destruction. Curlew, Meadow pipit and skylark are other species that were once common and now much more scarce, breeding Curlews have almost been lost from Galloway due to the loss of wet habitats and the destruction of nests due to silage cutting.

The survey does not cover the use of the field habitats by reptiles and amphibians, many of which are threatened by habitat loss in Galloway. Galloway traditionally, with its varied topography and wetland hollows has been a rich home for Great crested newts, a protected species, that travel far from their breeding ponds when not breeding. Also the use of the site by bats has not been investigated.

The EIA Recommendations and Mitigation - Flaws

The EIA gives consent to allowing the vast majority of the natural flora-rich fields and wetlands to be destroyed. They can be sprayed with weed killer, ploughed up, sown with a mono-culture of rye grass and drained. Drainage means changing the ground water and flow

water characteristics that give these wet fields their distinctive vegetation and rich habitats for wildlife. While it may be said that fields are quite small they do represent some of the last remaining fields on the farm where natural grassland, marsh and swamp occur. Since 2020 all the other natural grassland and rocky fields (11 I believe) have been 're-structured' and have lost all their wildlife and landscape value. The reason these last remaining 2-3 fields persist is because they are the wettest and rockiest and thus hold the last remnant of natural grasslands on the farm. They will be the most expensive to drain and plough up and will always naturally 'want' to remain wet.

The EIA does not assess the value of these wet rich fields in the context of what has, and is, continually being lost locally. One only has to live in South Galloway, or to look at the land surrounding the farm to see how little of this flora-rich pasture and wetland is left today. Field re-structuring has taken off rampantly in the last few years, with little oversight or control implemented by the Authorities. So many special places lost. So now, places like this are becoming much rarer and localised, they have an enhanced and increasing importance. The EIA states that parts of these fields have a 'Locally distinctive Assemblage of plants' and are of 'Local Importance'. I would say they all are and increasingly so and are heading towards Regionally Important as so much is being lost.

A high profile pasture farmer, James Rebanks, who farms sustainably in the hills of Cumbria, stated (in his book 'English Pastoral') that he leaves 20% of his farm, the poorest bits for farming, un-improved and has employed re-generative methods on the remaining 80%. The wet areas he still grazes seasonally and has found no loss in income. 'Improving' wet land is very expensive and is working against nature and will never be very productive. I am paraphrasing here. Also, by draining these fields, water will run much faster into the local brook. When slurry is applied to these fields some of it is likely to flow into the drainage, especially in wet weather and pollute downstream. As livestock numbers are increased on the farm, they are invariably kept in doors, creating huge amounts of slurry. This is becoming a serious problem in Galloway, with huge mega dairies creating so much waste product that there is pressure to get rid of it onto fields which may have difficulty absorbing such quantities of nutrients. We have seen what has happened to Loch Neagh in Northern Ireland, and the River Wye. Pollution from manure has virtually killed the huge Loch and the River Wye.

A further omission from the EIA is the stream habitat along the southern edge of the fields along the perimeter of the proposed drainage. Why was an assessment of this beautiful stream not done? If the drainage of adjacent fields runs into this stream the slurry problems mentioned above may occur. Also there is no buffer zone provision for this stream? So it can be sprayed and ploughed right up to its banks? We do not know the value of the in-stream flora and fauna, or the value of the bankside and adjacent habitats?

The EIA recommends the preservation of just two small areas, the two richest wetland sites. But it is sufficient and can they be sustained with the adjacent drainage that will be put in place if this plan went ahead? I believe not. The drainage will affect water flows from below and through the site, there is a serious danger that these areas will dry out and lose all value. Additionally there is not a significant buffer to mitigate agricultural activities such as ploughing, pesticides and slurry spread. The EIA states two different widths for a buffer of 4-6m and 5-30m! There needs to be a minimum buffer of 12m at least around these wetlands and alongside the southern stream. But much better and much safer is to not allow the drainage and slurry at all and preserve the last two fields of good wetlands and grasslands on the farm. As a minimum the western part of the site between the two wet woodlands should remain intact. This includes the most important wetland, large areas of marsh, swamp and wet willow scrub. It links the two wet woods as an ecological link, and as mentioned

previously, habitat mosaics which are connected are more sustainable and provide habitats for a greater range of species.

How does this project sit with the Policy of the Scottish Government to turn around biodiversity loss?

An extract from the Scottish Government's Biodiversity Strategy 2024 - 2045:

. 'The Scottish Biodiversity Strategy to 2045 aims to halt biodiversity loss by 2030 and restore and regenerate biodiversity by 2045. The strategy includes a "No Net Loss" approach to help measure and quantify biodiversity:

- Identify losses: Identify any losses that occur at operations
- Minimize losses: Minimize the impacts on biodiversity
- Reverse losses: Reverse any losses that occur
- Balance losses: Balance any remaining losses with gains elsewhere

[REDACTED TEXT]

004:

Dear Sir/Madam,

I am writing to object to the proposed drainage and agricultural restructuring works at NX786494, east of Kirkcudbright, as detailed in the Environmental Impact Assessment (EIA) notice (Ref: EIA 2024-011). These works will lead to significant environmental, ecological, and cultural harm, directly contravening Scottish policies and legislation designed to protect biodiversity, ecosystems, watercourses, landscapes, and the historic environment.

Reasons for Objection and Contravention of Policies

1. Inadequate Scope of the Environmental Impact Assessment (EIA)

The EIA submitted for this proposal fails to sufficiently address the wider environmental and ecological impacts of the works. While it includes an assessment of plant communities, it excludes critical aspects such as:

- Wildlife Dependence on the Site:

There is no survey of birdlife, invertebrates, mammals, reptiles, amphibians, or other species that depend on the site's semi-natural habitats. Local reports indicate that Snipe may breed in these wetlands, and Curlew, Meadow Pipit, and Skylark, all in significant decline, also depend on such habitats. Amphibians such as Great Crested Newts, a protected species, could also use these habitats. The omission of these assessments leaves the true ecological importance of the site unquantified.

- Rare and Protected Species:

The Northern Brown Argus butterfly, a species listed under the UK Biodiversity Action Plan, depends on Rock Rose, a plant that thrives on rocky outcrops (“knowes”) found in these fields. Removing these outcrops eliminates the butterfly’s critical food source. Additionally, the flora-rich marshes and grasslands provide essential resources for pollinators like bees, including the Great Yellow Bumblebee, now heading toward extinction in Scotland.

- Landscape and Cultural Value:

The EIA ignores the intrinsic value of the South Galloway landscape and its significance to local people. The rolling fields, rocky outcrops, copses, and wetlands create a distinct mosaic of habitats, representing generations of traditional farming and a critical refuge for nature.

- Stream Habitat on the Site’s Periphery:

The southern boundary of the proposed site includes a stream whose ecological health and biodiversity value were not evaluated. Drainage works could pollute this watercourse with nutrient runoff, particularly slurry, and disrupt its hydrology. Furthermore, there is no buffer zone planned to protect this stream.

2. Impact on Biodiversity and Habitat Loss

We are in a Climate and Nature Emergency, and the ongoing loss of natural habitats across Galloway is accelerating the decline of wildlife populations. The destruction of these habitats would contravene:

- Scottish Biodiversity Strategy 2024-2045:

The government’s strategy aims to halt biodiversity loss by 2030 and restore biodiversity by 2045. This proposal accelerates the destruction of wetland habitats, species-rich grasslands, and natural mosaics. Key objectives of “minimizing losses” and “balancing losses with gains” are ignored.

- Environmental Impact Assessment (Scotland) Regulations 2017:

The proposed activities will result in irreversible harm to habitats identified as being of “Local Importance.” As the last remaining natural grasslands on the farm, these fields are increasingly rare and may warrant designation as of “Regional Importance” in the context of widespread habitat loss locally. Allowing their destruction is inconsistent with Scotland’s commitments to biodiversity protection.

3. Watercourse Pollution and Hydrological Impacts

The drainage works will fundamentally alter local hydrology, increasing runoff, flooding risks, and nutrient leaching into adjacent watercourses. This poses risks to both local water quality and downstream ecosystems. Such outcomes contravene:

- Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR):



CAR requires detailed planning to prevent pollution of watercourses, which is not evident here. The lack of mitigation measures for slurry runoff or adequate buffer zones poses clear risks.

- Dumfries and Galloway LDP2 Policy NE11:

This policy requires safeguarding of water resources and minimization of pollution. The absence of a hydrological assessment or detailed water management strategy demonstrates non-compliance.

4. Destruction of the Galloway Landscape and Cultural Heritage

The proposal will irreparably harm the unique character of the Galloway landscape. Rocky knowes will be removed, wetlands drained, and species-rich grasslands replaced with monoculture rye grass. These changes represent the loss of landscapes that have been nurtured by generations of traditional farming. This contravenes:

- Scottish Planning Policy (SPP) 2014, Paragraph 137:

Developments must preserve or enhance the character of Scotland's historic and cultural landscapes. The loss of iconic South Galloway features such as rocky outcrops and copses undermines the distinctiveness of this landscape.

- Dumfries and Galloway LDP2 Policy HE6:

HE6 mandates the protection of regionally significant cultural landscapes. The ongoing destruction of South Galloway's traditional landscape, field by field, is contrary to this policy.

5. Unsustainable Agricultural Practices

The works prioritize short-term agricultural intensification over sustainable farming, further degrading Scotland's natural environment. This violates:

- Scottish Planning Policy (SPP) 2014, Paragraph 154:

Land use must balance agricultural productivity with environmental stewardship. Field restructuring, monoculture reseeding, and excessive drainage ignore sustainable practices that preserve biodiversity and soil health.

- Dumfries and Galloway LDP2 Policy ED12:

This policy promotes environmentally responsible farming. Sustainable methods, such as leaving wet areas for seasonal grazing, could achieve productivity without destroying habitats.

6. Cumulative and Precedent Concerns

This proposal is part of a broader pattern of habitat destruction across South Galloway, where field restructuring has resulted in the loss of numerous nature-rich habitats. Since 2020, at least 11 other fields on this farm have been “restructured,” leaving these as the last remnants of wetland and natural grasslands. This sets a dangerous precedent for unchecked agricultural intensification, undermining Scotland’s climate and biodiversity goals.

Recommendations

Given the significant environmental, ecological, and cultural harm posed by this proposal, I strongly urge the Rural Payments and Inspections Division to refuse consent for EIA 2024-011. At minimum:

1. A comprehensive Environmental Impact Assessment must be conducted, including detailed surveys of birdlife, invertebrates, mammals, reptiles, amphibians, and stream habitats.
2. Wetlands, grasslands, and rocky knowes should be preserved, with substantial buffer zones (at least 12 meters) around sensitive habitats and watercourses.
3. Sustainable farming practices, such as seasonal grazing of wetlands, must be implemented to align with Scotland’s biodiversity and climate goals.
4. The cumulative impacts of habitat loss in South Galloway must be assessed to prevent further erosion of biodiversity and landscape value.

Conclusion

The proposed works represent irreversible harm to South Galloway’s biodiversity, landscapes, and cultural heritage. Approving this proposal would contravene Scottish legislation and commitments to halting biodiversity loss and protecting our environment.

I also include below a detailed description written by a local expert, of shortcomings of the current IEA

Thank you for considering this objection.

Yours sincerely,

[REDACTED TEXT]

Reasons for objecting

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importance of the birdlife, invertebrates, mammals, reptiles and amphibians. It also does not include the landscape value and intrinsic value to local people and those who value nature.

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The EIA Recommendations and Mitigation - Flaws

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A further omission from the EIA is the stream habitat along the southern edge of the fields along the perimeter of the proposed drainage. Why was an assessment of this beautiful stream not done? If the drainage of adjacent fields runs into this stream the slurry problems mentioned above may occur. Also there is no buffer zone provision for this stream? So it can be sprayed and ploughed right up to its banks? We do not know the value of the in-stream flora and fauna, or the value of the bankside and adjacent habitats?

The EIA recommends the preservation of just two small areas, the two richest wetland sites. But it is insufficient and can they be sustained with the adjacent drainage that will be put in place if this plan went ahead? I believe not. The drainage will affect water flows from below and through the site, there is a serious danger that these areas will dry out and lose all value. Additionally there is not a significant buffer to mitigate agricultural activities such as ploughing, pesticides and slurry spread. The EIA states two different widths for a buffer of 4-6m and 5-30m! There needs to be a minimum buffer of 12m at least around these wetlands and alongside the southern stream. But much better and much safer is to not allow the drainage and slurry at all and preserve the last two fields of good wetlands and grasslands on the farm. As a minimum the western part of the site between the two wet woodlands should remain intact. This includes the most important wetland, large areas of marsh, swamp and wet willow scrub. It links the two wet woods as an ecological link, and as mentioned previously, habitat mosaics which are connected are more sustainable and provide habitats for a greater range of species.

How does this project sit with the Policy of the Scottish Government to turn around biodiversity loss?

An extract from the Scottish Government's Biodiversity Strategy 2024 - 2045:

. 'The Scottish Biodiversity Strategy to 2045 aims to halt biodiversity loss by 2030 and restore and regenerate biodiversity by 2045. The strategy includes a "No Net Loss" approach to help measure and quantify biodiversity:

- Identify losses: Identify any losses that occur at operations
- Minimize losses: Minimize the impacts on biodiversity
- Reverse losses: Reverse any losses that occur
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Yours sincerely.

[REDACTED TEXT]

005:

[REDACTED TEXT] we came to live near Auchencairn. The Larks were a joy hear. Also the peewits heralded sprintime. The many hares were a joy to watch.

Now the making of silage is destroying their breeding habitats.

Please no more.

Sincerely yours, [REDACTED TEXT]

006:

Dear Planners for our Future,

With reference to the above application to "restructure" land near Auchencairn, I would like to raise strong objection. We already look out across endless flattened fields of grass, with wildlife habitat and ecological diversity stripped down to a bare minimum. [REDACTED TEXT] is responsible for an enormous 'grassland desert' between Dundrennan and Auchencairn, from which a high proportion of all animal, bird and insect life has been eliminated. Added to which there is the addition of weedkiller followed by constant application of fertiliser, all of which run off into the water courses, causing yet further ongoing damage.

The applicant states in his defence that there have been "occasions when livestock have died or become ill from suspected poisoning from weeds or plants". What a joke, when his proposed works will destroy so much other and diverse wildlife! This is the worst sort of profit driven tunnel vision. We desperately need to hold on to every scrap of natural, wild land that we have.

The list of objections could continue to fill pages in terms of contravention Scottish Government policy, of the wider damage of beef and dairy production to people, environment and climate, and of the effect, psychological as well as social, on local people, etc. But all these are well known to you. I wish primarily to add my voice to the growing cry of despair and outrage at the continued spoiling of our natural environment, in the hope that it will be truly heard.

161 Brooms Road, Dumfries DG1 3ES
www.gov.scot

Sincerely,

[REDACTED TEXT]

007:

Dear Sir/Madam

I would like to add my concerns about the proposal above to those already sent to you by [REDACTED TEXT]

They have separately expressed thoughtful objections to the suggested changes to the wet and acid grass areas on this farm. I would like to suggest that not enough emphasis in the EIA has been given to the effect on the landscape and biodiversity of the suggested removal of knowes.

The farmland adjacent has already been altered, ploughed and reseeded in a major way in the past three or four years. I accept that I am not wholly familiar with agricultural policies, but I notice that there is a stipulation that cumulative effect of moving earth and rock should be considered.

In short, I wish to object to this EIA. It is helpful in terms of botany, unsurprisingly, but silent on the subject of fauna. Further, it does not discuss the likely effects on local habitat as a result of changes to landscape.

Yours faithfully

[REDACTED TEXT]

008:

My attention has just been drawn to this proposal.

I can see no evidence that proper consideration has been given in the EIA report to the value of retaining lightly grazed common land.

There is already a large proportion of highly intensive agriculture in the area which has significantly reduced natural habitats supporting biodiversity. Intensive agriculture also increases climate warning

Please do not allow this damaging proposal nor others of its kind.

Thank you

[REDACTED TEXT]

009:

Dear Sir/Madam,

I wish to register my objection to the field flattening (restructuring) that is the subject of EIA 2024-011, and to the inadequacy of the EIA report in its failure to give sufficient weight to the full bio-diversity and natural regenerative impacts of this proposed restructuring.

The EIA concentrates on the immediate vegetation loss, however, the biosphere comprises all of the life species that depend upon the natural terrain and vegetation, and, upon the context of that natural area within the wider surroundings - for example, adjacent natural cover; wildlife corridors; streams and the purity (or otherwise) of the water.

A large proportion of the field area surrounding this application has already been restructured (i.e. flattened, with soil removed and relaid and planted with mono-culture high yield grass subject to intensive silaging with heavy machinery). This means that the small remaining areas of natural grasses and other vegetation that can support wildlife become more precious - an environmental analysis should recognise the importance of preserving that which has not already been destroyed. It should also recognise the impact of the intended use of the 'restructured' land with significant increase in the slurry and fertiliser run off pollution of the adjacent waterways, and the severe degradation of the soil quality and carbon content.

We are in a climate and bio-diversity crisis and allowing this to be exacerbated should not be permitted.

Yours sincerely

[REDACTED TEXT]

010:

Dear Sir/Madam,

[EIA 2024-011: Proposed Restructuring and Drainage Works at Auchencairn](#)

I would like to object to the above proposed works at Auchencairn.

It has come to my attention that the EIA does not adequately consider the impact of these works, and the wider impact the damage to biodiversity does and will cause immediately and further down the line. Especially in light of the increase of substantial 'restructuring' in the Auchencairn area, and across Galloway, it is vital we fully assess impacts and take the consequences seriously before more landscape and habitat is destroyed.

The EIA does not adequately cover the dependence of wildlife on the site, rare and protected species associated with the site, hydrology assessment of the impact of pollution and nutrient run-off caused by drainage on site and the social / cultural / economic impact of restructuring the iconic Galloway landscape

The proposed restructuring goes against both the Scottish Biodiversity Strategy 2024-2045, by accelerating rather than minimising losses to wetland habitats, species-rich grasslands and mosaic habitats, the EIA (Scotland) Regulations 2017 by causing damage to species/ habitats deemed as of Local Importance.

The proposal is of minimal short-term agricultural benefit, compared with the long-term cumulative damage to the ecosystems on which food production depends. The Scottish Planning Policy (SPP) 2014, Paragraph 154 states: "Land use must balance agricultural productivity with environmental stewardship. Field restructuring, monoculture reseedling, and excessive drainage ignore sustainable practices that preserve biodiversity and soil health." Along with the considerations above, I believe this is grounds to stop further restructuring in the area.

Yours sincerely

011:

Dear Sir/Madam,

I hope that this is not too late to forward but I have only just been made aware of this proposal. Having gone through the objections below and with a background in agriculture, climate action and greenspace development I wholly support the objections outlined below and would urge that a proper EIA that covers all of the issues and with a result that complies with best agricultural practice.

I am writing to object to the proposed drainage and agricultural restructuring works at NX786494, east of Kirkcudbright, as detailed in the Environmental Impact Assessment (EIA) notice (Ref: EIA 2024-011). These works will lead to significant environmental, ecological, and cultural harm, directly contravening Scottish policies and legislation designed to protect biodiversity, ecosystems, watercourses, landscapes, and the historic environment.

Reasons for Objection and Contravention of Policies

1. Inadequate Scope of the Environmental Impact Assessment (EIA)

The EIA submitted for this proposal fails to sufficiently address the wider environmental and ecological impacts of the works. While it includes an assessment of plant communities, it excludes critical aspects such as:

- **Wildlife Dependence on the Site:**

There is no survey of birdlife, invertebrates, mammals, reptiles, amphibians, or other species that depend on the site's semi-natural habitats. Local reports indicate that Snipe may breed in these wetlands, and Curlew, Meadow Pipit, and Skylark, all in significant decline, also depend on such habitats. Amphibians such as Great Crested Newts, a protected species, could also use these habitats. The omission of these assessments leaves the true ecological importance of the site unquantified.

- **Rare and Protected Species:**

The Northern Brown Argus butterfly, a species listed under the UK Biodiversity Action Plan, depends on Rock Rose, a plant that thrives on rocky outcrops ("knowes") found in these fields. Removing these outcrops eliminates the butterfly's critical food source. Additionally, the flora-rich marshes and grasslands provide essential resources for pollinators like bees, including the Great Yellow Bumblebee, now heading toward extinction in Scotland.

- **Landscape and Cultural Value:**

The EIA ignores the intrinsic value of the South Galloway landscape and its significance to local people. The rolling fields, rocky outcrops, copses, and wetlands create a distinct mosaic of habitats, representing generations of traditional farming and a critical refuge for nature.

- **Stream Habitat on the Site's Periphery:**

The southern boundary of the proposed site includes a stream whose ecological health and biodiversity value were not evaluated. Drainage works could pollute this watercourse with nutrient runoff, particularly slurry, and disrupt its hydrology. Furthermore, there is no buffer zone planned to protect this stream.

2. Impact on Biodiversity and Habitat Loss

We are in a Climate and Nature Emergency, and the ongoing loss of natural habitats across Galloway is accelerating the decline of wildlife populations. The destruction of these habitats would contravene:

- **Scottish Biodiversity Strategy 2024-2045:**

The government's strategy aims to halt biodiversity loss by 2030 and restore biodiversity by 2045. This proposal accelerates the destruction of wetland habitats, species-rich grasslands, and natural mosaics. Key objectives of "minimizing losses" and "balancing losses with gains" are ignored.

- **Environmental Impact Assessment (Scotland) Regulations 2017:**

The proposed activities will result in irreversible harm to habitats identified as being of “Local Importance.” As the last remaining natural grasslands on the farm, these fields are increasingly rare and may warrant designation as of “Regional Importance” in the context of widespread habitat loss locally. Allowing their destruction is inconsistent with Scotland’s commitments to biodiversity protection.

3. Watercourse Pollution and Hydrological Impacts

The drainage works will fundamentally alter local hydrology, increasing runoff, flooding risks, and nutrient leaching into adjacent watercourses. This poses risks to both local water quality and downstream ecosystems. Such outcomes contravene:

- Water Environment (Controlled Activities) (Scotland) Regulations 2011

(CAR):

CAR requires detailed planning to prevent pollution of watercourses, which is not evident here. The lack of mitigation measures for slurry runoff or adequate buffer zones poses clear risks.

- Dumfries and Galloway LDP2 Policy NE11:

This policy requires safeguarding of water resources and minimization of pollution. The absence of a hydrological assessment or detailed water management strategy demonstrates non-compliance.

4. Destruction of the Galloway Landscape and Cultural Heritage

The proposal will irreparably harm the unique character of the Galloway landscape. Rocky knowes will be removed, wetlands drained, and species-rich grasslands replaced with monoculture rye grass. These changes represent the loss of landscapes that have been nurtured by generations of traditional farming. This contravenes:

- Scottish Planning Policy (SPP) 2014, Paragraph 137:

Developments must preserve or enhance the character of Scotland’s historic and cultural landscapes. The loss of iconic South Galloway features such as rocky outcrops and copses undermines the distinctiveness of this landscape.

- Dumfries and Galloway LDP2 Policy HE6:

HE6 mandates the protection of regionally significant cultural landscapes. The ongoing destruction of South Galloway’s traditional landscape, field by field, is contrary to this policy.

5. Unsustainable Agricultural Practices

The works prioritize short-term agricultural intensification over sustainable farming, further degrading Scotland’s natural environment. This violates:

- Scottish Planning Policy (SPP) 2014, Paragraph 154:

Land use must balance agricultural productivity with environmental stewardship. Field restructuring, monoculture reseeding, and excessive drainage ignore sustainable practices that preserve biodiversity and soil health.

- Dumfries and Galloway LDP2 Policy ED12:

This policy promotes environmentally responsible farming. Sustainable methods, such as leaving wet areas for seasonal grazing, could achieve productivity without destroying habitats.

6. Cumulative and Precedent Concerns

This proposal is part of a broader pattern of habitat destruction across South Galloway, where field restructuring has resulted in the loss of numerous nature-rich habitats. Since 2020, at least 11 other fields on this farm have been “restructured,” leaving these as the last remnants of wetland and natural grasslands. This sets a dangerous precedent for unchecked agricultural intensification, undermining Scotland’s climate and biodiversity goals.

Recommendations

Given the significant environmental, ecological, and cultural harm posed by this proposal, I strongly urge the Rural Payments and Inspections Division to refuse consent for EIA 2024-011. At minimum:

1. A comprehensive Environmental Impact Assessment must be conducted, including detailed surveys of birdlife, invertebrates, mammals, reptiles, amphibians, and stream habitats.
2. Wetlands, grasslands, and rocky knowes should be preserved, with substantial buffer zones (at least 12 meters) around sensitive habitats and watercourses.
3. Sustainable farming practices, such as seasonal grazing of wetlands, must be implemented to align with Scotland's biodiversity and climate goals.
4. The cumulative impacts of habitat loss in South Galloway must be assessed to prevent further erosion of biodiversity and landscape value.

Conclusion

The proposed works represent irreversible harm to South Galloway's biodiversity, landscapes, and cultural heritage. Approving this proposal would contravene Scottish legislation and commitments to halting biodiversity loss and protecting our environment. I also include below a detailed description written by a local expert, of shortcomings of the current IEA

Thank you for considering this objection.

Reasons for objecting

It appears that the Environmental Impact Assessment for the conversion work covers the existing vegetation but does not include the range of other richness such as the value and importance of the birdlife, invertebrates, mammals, reptiles and amphibians. It also does not include the landscape value and intrinsic value to local people and those who value nature.

We are in a Climate and Nature Emergency. Galloway is experiencing huge declines in natural habitats, wildlife populations and landscape change. The characteristic landscapes of South Galloway are the beautiful rolling fields with rocky outcrops, colloquially named 'knowes' with small copses of flowery gorse, hawthorns, rowan, elderberry and the taller ash and oaks. Between the knowes, in the hollows, small areas of marsh and pools, rich in orchids, meadowsweet, frogs and wading birds. The areas of scrub and shrubs are a real oasis for wildlife, providing cover, nectar and food for a huge range of wildlife but are greatly under-appreciated. Between and below these rocky outcrops and trees there are rich grasslands, full of wild flowers, including the clovers, vetches and trefoils rich in nectar and also by the grazing livestock that maintain the rich swards.

The grasslands have been nurtured by traditional farming for many many generations of farmers, who knew each field and copse and looked over their animals from the rocky outcrops and down to the sea, the curlews called. Their animals knew which plants to search out when they had ailments and even now, on intensive farms, there are often one or two fields kept by the farmhouse with their natural herb-rich vegetation for sickly animals - the 'nurse fields'.

The rapidly increasing loss of the Galloway landscape and nature-rich habitats through ongoing scrub/tree clearance, drainage of vital wetlands, spraying of natural grasslands and the ploughing up for a monoculture of rye grass is catastrophic for wildlife. The removal by heavy diggers of the beautiful rocky knowes destroys our unique landscapes. Species such as the Northern Brown Argus butterfly, a local and National Biodiversity Action Plan protected species depends upon one food plant, the Rock rose, that lives only on the thin soils of the rocky knowes.

What we are facing in Galloway, by the rapid intensification of dairy farming, is the death of nature by a thousand cuts. The euphemism of 'restructuring fields' means destroying the landscapes and nature-rich habitats field by field, till nothing natural is left on the farm. Bit by

bit all biodiversity is removed until what was once common is now becoming rare. Whole landscapes are levelled and made uniform green in a land that was recently rich, varied and beautiful.

Addressing the flaws of the EIA - Omissions

The EIA addresses the existing plant communities well, showing how two of the fields possess habitats and plant communities of 'Local Importance'. But it is an incomplete survey due to the fact that it doesn't include any species of animals that may depend on the site. For example, it is now well known that bees and other pollinators are in steep decline in the UK and Scotland. The Great Yellow bumblebee (a Scottish specialist is heading towards extinction). Pollinators depend on the natural flora of grasslands and these fields have a very good range of marshland and grassland flora that provide nectar, pollen and larval food throughout the season. Rocky knowles with the beautiful Rock rose flower provide the caterpillar food plant for the rare Northern Brown Argus butterfly which has one of its last remaining strongholds in South Galloway. Many other invertebrate groups prosper in the intimate vegetation mosaics found in these fields, with wetland marsh and dry grassland habitat mosaics. The proximity of rich grasslands to scrub and woodland is also known to be especially valuable to invertebrates (Roger Key pers com, invertebrate specialist for Natural England).

Many birds are insectivorous and may use these fields, but we don't have that information as the survey doesn't include them. A local observer has found Snipe breeding in the wetland areas here in the fields earmarked for drainage (I do not have the exact location yet). Snipe are a species that was once a common breeding bird in Galloway, requiring permanently wet boggy conditions, but are now much rarer. Due to the ongoing drainage throughout Galloway, their habitats are being lost and thus any site where they breed should be protected from destruction. Curlew, Meadow pipit and skylark are other species that were once common and now much more scarce, breeding Curlews have almost been lost from Galloway due to the loss of wet habitats and the destruction of nests due to silage cutting.

The survey does not cover the use of the field habitats by reptiles and amphibians, many of which are threatened by habitat loss in Galloway. Galloway traditionally, with its varied topography and wetland hollows has been a rich home for Great crested newts, a protected species, that travel far from their breeding ponds when not breeding. Also the use of the site by bats has not been investigated.

The EIA Recommendations and Mitigation - Flaws

The EIA gives consent to allowing the vast majority of the natural flora-rich fields and wetlands to be destroyed. They can be sprayed with weed killer, ploughed up, sown with a mono-culture of rye grass and drained. Drainage means changing the ground water and flow water characteristics that give these wet fields their distinctive vegetation and rich habitats for wildlife. While it may be said that fields are quite small they do represent some of the last remaining fields on the farm where natural grassland, marsh and swamp occur. Since 2020 all the other natural grassland and rocky fields (11 I believe) have been 're-structured' and have lost all their wildlife and landscape value. The reason these last remaining 2-3 fields persist is because they are the wettest and rockiest and thus hold the last remnant of natural grasslands on the farm. They will be the most expensive to drain and plough up and will always naturally 'want' to remain wet.

The EIA does not assess the value of these wet rich fields in the context of what has, and is, continually being lost locally. One only has to live in South Galloway, or to look at the land



surrounding the farm to see how little of this flora-rich pasture and wetland is left today. Field re-structuring has taken off rampantly in the last few years, with little oversight or control implemented by the Authorities. So many special places lost. So now, places like this are becoming much rarer and localised, they have an enhanced and increasing importance. The EIA states that parts of these fields have a 'Locally distinctive Assemblage of plants' and are of 'Local Importance'. I would say they all are and increasingly so and are heading towards Regionally Important as so much is being lost.

A high profile pasture farmer, James Rebanks, who farms sustainably in the hills of Cumbria, stated (in his book 'English Pastoral') that he leaves 20% of his farm, the poorest bits for farming, un-improved and has employed re-generative methods on the remaining 80%. The wet areas he still grazes seasonally and has found no loss in income. 'Improving' wet land is very expensive and is working against nature and will never be very productive. I am paraphrasing here. Also, by draining these fields, water will run much faster into the local brook. When slurry is applied to these fields some of it is likely to flow into the drainage, especially in wet weather and pollute downstream. As livestock numbers are increased on the farm, they are invariably kept in doors, creating huge amounts of slurry. This is becoming a serious problem in Galloway, with huge mega dairies creating so much waste product that there is pressure to get rid of it onto fields which may have difficulty absorbing such quantities of nutrients. We have seen what has happened to Loch Neagh in Northern Ireland, and the River Wye. Pollution from manure has virtually killed the huge Loch and the River Wye.

A further omission from the EIA is the stream habitat along the southern edge of the fields along the perimeter of the proposed drainage. Why was an assessment of this beautiful stream not done? If the drainage of adjacent fields runs into this stream the slurry problems mentioned above may occur. Also there is no buffer zone provision for this stream? So it can be sprayed and ploughed right up to its banks? We do not know the value of the in-stream flora and fauna, or the value of the bankside and adjacent habitats?

The EIA recommends the preservation of just two small areas, the two richest wetland sites. But is this sufficient and can they be sustained with the adjacent drainage that will be put in place if this plan went ahead? I believe not. The drainage will affect water flows from below and through the site, there is a serious danger that these areas will dry out and lose all value. Additionally there is not a significant buffer to mitigate agricultural activities such as ploughing, pesticides and slurry spread. The EIA states two different widths for a buffer of 4-6m and 5-30m! There needs to be a minimum buffer of 12m at least around these wetlands and alongside the southern stream. But much better and much safer is to not allow the drainage and slurry at all and preserve the last two fields of good wetlands and grasslands on the farm. As a minimum the western part of the site between the two wet woodlands should remain intact. This includes the most important wetland, large areas of marsh, swamp and wet willow scrub. It links the two wet woods as an ecological link, and as mentioned previously, habitat mosaics which are connected are more sustainable and provide habitats for a greater range of species.

How does this project sit with the Policy of the Scottish Government to turn around biodiversity loss?

An extract from the Scottish Government's Biodiversity Strategy 2024 - 2045:

. 'The Scottish Biodiversity Strategy to 2045 aims to halt biodiversity loss by 2030 and restore and regenerate biodiversity by 2045. The strategy includes a "No Net Loss" approach to help measure and quantify biodiversity:



- Identify losses: Identify any losses that occur at operations
-
- Minimize losses: Minimize the impacts on biodiversity
-
- Reverse losses: Reverse any losses that occur
-
- Balance losses: Balance any remaining losses with gains elsewhere

Yours sincerely

[REDACTED TEXT]