EIR - MiCase - View Case 364088 – Martyn Spence (202300364088)

This file contains documents relating to the above. Where redactions have been made the exception used has been made clear – third party. Where no exception clause was given this is under regulation 11 and is personal information that has been redacted.

The following documents are enclosed:

Document 1 – E-mail exchange 24- February 2021 – 9 March 2021
Document 2 – E-mail dated 7 March 2021
Document 3 – E-mail to First Minister dated 9 March 2021
Document 4 – E-mail exchange dated 10 March 2021
Document 5 – E-mail to the First Minister dated 11 March 021
Document 6 – E-mail dated 12 March 2021 – copied to First Minister
Document 7 – E-mail dated 13 March 22021 to First Minister
Document 8 – E-mail to First Minister dated 13 March 2021
Document 9 – E-mail dated 13 March 2021
Document 10 – E-mail to First Minister dated 13 March 2021
Document 11 – E-mail to First Minister dated 14 March 2021
Document 12 – E-mail to First Minister dated 14 March 2021
Document 13 – E-mail to First Minister dated 14 March 2021
Document 14 – E-mail to First Minister dated 14 March 2021
Document 15 – E-mail to First Minister dated 14 March 2021
Document 16 – E-mail to Scottish Ministers dated 14 March 2021
Document 17 – E-mail copied to Chief Planner dated 14 March 2021
Document 18 – E-mal dated 15 March 2021
Document 19 – E-mail of 10 March 2021 and response of 17 March 2021
Document 20 – E-mail dated 21 March 2021 to First Minister
Document 21 – E-mail to First Minister dated 26 March 2021
Document 22 – E-mail dated 16 June 2021 and related letters dated 20 June 2021
Document 23 – E-mail to First Minister dated 18 June 2021
Document 24 – E-mail from Emma Harper MSP dated 27 July 2021 and assoc letter of 29 June 2021
Document 25 – Letter to Minister for Public Finance, Planning and Community Wealth
Document 26 – Letter from Emma Harper MSP dated 8 April 2022
Document 27 – Letter to Emma Harper MSP dated 31 May 2023

DOCUMENT 1 – E-MAIL EXCHANGE 24 FEBRUARY TO 9 MARCH 2021

From: REDACTED
Sent: Tuesday, March 9, 2021 2:53 PM
To: REDACTED@gov.scot
Subject: Re: URGENT, Major issue for Scotland's Buddhist Community

Hi REDACTED,

Thank you for your detailed and informed reply, it has been very helpful and the time you took to gather the information and send it to me is appreciated.

I have shared your advice with some of the residents n Eskdalemuir who are also appreciative, so thank you once again.

Take care,

REDACTED

On 08/03/2021 14:16, REDACTED@gov.scot wrote:
Dear REDACTED

Thank you for your email about shooting in the Eskdalemuir valley, and the concern felt by yourself and the local Buddhist community about this. REDACTED in the Faith & Belief Policy Unit has passed your correspondence to myself for reply, because I deal with firearms policy at the Scottish Government.

I was very sorry to read of the disruption and upset that the recent shooting activities in Eskdalemuir have caused you. I can fully appreciate that this is a very sensitive issue for your community. I am also aware of a wider local concern about the proposed development of shooting ranges in Eskdalemuir, as well as a recent training event by members of the United States military. It may help if I provide a little more information about these recent events.

With regards to the US military training, I understand from the local police that this was a one-off training event using blank ammunition, which was stopped by the MOD at the request of Police Scotland after local concerns were raised. I understand that the event had not been organised properly and there are no plans for future training to take place.

In relation to shooting happening on neighbouring estates, I am afraid that shooting is, to some extent, a fact of life in rural Scotland, and that properly licensed individuals have a right to shoot over private land. However, shooters should always be conscientious to their neighbours. I would suggest contacting the estates themselves, if you have not already done so. I would hope that if you explain the situation to them then they can take steps to accommodate this. If the problem persists then you can make a noise complaint to your Local Authority, or report the matter to the police for further advice. If you feel that you are being specifically harassed or targeted due to your beliefs, or that any aspect of the shooting is unsafe, then I would urge you to raise this with the police as a criminal matter.

Although they are not specifically mentioned in your email, I am aware that there are applications to develop new shooting ranges in the Eskdalemuir valley which have attracted some local media attention. It is perhaps worth emphasising that these ranges are still only at the planning stage, and are not approved for use. I understand that

Dumfries and Galloway Council are considering planning permission, and that the Community Council have already raised noise concerns in relation to this. Police Scotland are also assessing the safety procedures at the sites. The Local Authority and Police Scotland are the organisations with oversight for matters like this, and I would recommend that you raise any concerns directly with them.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative, and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.

Kind regards

REDACTED
Firearms Policy
Safer Communities Division
Scottish Government

From: REDACTED
Sent: 24 February 2021 12:53
To: REDACTED@gov.scot
Subject: URGENT, Major issue for Scotland's Buddhist Community

Dear REDACTED

I hope you are well and happy in these difficult times we find ourselves in just now.

Let me introduce myself, my name is REDACTED, I am a REDACTED

So it is with a very heavy heart that I urgently write to you today, with the deepest hope that you can be of assistance to what is a hugely upsetting issue.

Kagyu Samye Dzong Glasgow is a branch of Samye Ling Monastery in Eskdalemuir, and its with regard to there that I write.

A couple of years ago, the neighbouring estates to Samye Ling began operating bird shooting events, which have been hugely upsetting for the almost entirely Buddhist population of the Eskdalemuir valley, however they managed to avoid the scrutiny of public consultation by being treated as a minor development, under 2 hectares in size.

News has just reached me that the continued weaponisation of the Esk valley has escalated to a whole new level, with the United States Air Force commencing machine gun training right beside Kagyu Samye Ling.

Samye Ling is Scotland's only Buddhist Monastery, founded in 1967 (historically, it is the first Tibetan Buddhist Monastery in the Western Hemisphere), and so is of National importance to an entire Religious community within Scotland, and beyond, every year (except last year obviously) attracting thousands of visitors from around the world, as well as the length and breadth of Scotland, who see it

as their Spiritual home or a place of pilgrimage. For this reason alone, it seems to me that it is a matter requiring National oversight.

However, I feel i need to clearly state how unequivocally abhorrent it is to Buddhists to have these sounds of war screaming out through the valley, shattering the peace and tranquillity that is so beneficial and important for Buddhists (as well as many non-Buddhists) in the pursuit of contemplation and meditation, and at the most important, sacred Buddhist site in Scotland.

To put this in context, could you ever imagine this happening beside one of Scotland's Cathedrals, Mosques, Mandirs, Gurdwaras or Synagogues?

In fact, to be honest, it feels like a hate crime against the Buddhist community here in Scotland.

With all this in mind, i hope that you will be able to use your Political powers to rectify what is I think it is fair to say is an assault on Buddhists and Buddhism in Scotland, and of such national significance and importance, it requires the Scottish Government to intervene.

Thank you for your time taken to read this, and I look forward to hearing from you.

Best regards,
REDACTED

DOCUMENT 2 – E-MAIL DATED 7 MARCH 2021

From: REDACTED
Sent: Sunday, March 7, 2021 6:52 PM

To: First Minister <firstminister@gov.scot>
Subject: Please help with this issue

Dear First Minister,

I appreciate that you are a very busy lady with very important issues to deal with. I have never written to anyone in the Scottish Parliament before (although I am about to write to the local MSP concerned, Oliver Mundell as well as my own local MSP, Gillian Martin on this issue) as I am normally quite easy going but this morning I spotted in the Sunday Post (it has apparently also appeared in the Daily Record) a small article which left me incredulous about the possibility of destroying a rare and precious commodity (several actually) that we are very lucky to have here in Scotland.

I refer to a planning application which has been lodged to expand a rifle range in Eskdalemuir, right next to the first Tibetan monastery to be built in Europe, which was started in 1967. Apparently, the estate where the rifle range is located is owned by an Austrian timber company. The purpose of the expansion is to attract not only more gun enthusiasts to kill more wildlife but also to host more visits by American special forces (it does not matter where they come from to me) so that they can practice killing people with long range sniper rifles. There has already been an exercise carried out by American special forces there.

I have been very lucky to have had the opportunity to attend this unique, precious and rare haven of peace and tranquillity, Kagyu Samye Ling monastery. It was started in 1967 by a famous Tibetan Lama who having fled persecution in his homeland from the Chinese, arrived in Eskdalemuir and started building this amazing monastery. He was unfortunately murdered in China in 2013 while he was arranging to hand over monies he had raised to his charity – The Rokpa trust, which helps people in Tibet.

I have visited Samye Ling on as many occasions as possible to learn as much as I can about meditation and Tibetan Buddhism. All the classes provided by the monks and nuns are free. They ask for nothing except to be left in peace to carry on with Tibetan traditions and practices. Without their kindness and compassion, I am not sure I would still be alive as I was in a very dark place when I first visited. What they have taught me has helped my mental health immensely and allows me to be able to face the problems encountered in life with more confidence, compassion and happiness. This cannot be measured in monetary terms.

The last time I attended Samye Ling was in December 2019 for a few days and even then you could hear quite regular gunshots nearby. This obviously upsets everyone there, especially the people who hold Buddhist beliefs, which does not allow any living creature to be killed. The gun enthusiasts are well aware that it upsets people at the monastery but they obviously do not care about this issue. Unbelievably, there was recently an American special forces exercise held on the rifle range which is very close by.

Is this really what the World class precious resources of Scotland are going to be used for in the future – more foreign land owners attracting special forces exercises to practice how to kill people and gun enthusiasts to come here and kill our Scottish wildlife ?

Samye Ling monastery is unique. There is nowhere else like it in Europe (I believe). It offers a place for people to get away from the pressures of life and provides solutions to people' problems. It desperately needs support with this issue. In the current pandemic, people need a way to resolve their mental health issues and Samye Ling' value due to this must have increased exponentially. I am sure people will want to go there as soon as safely possible to re-connect and find a refuge from their troubles. I know I cannot wait to go back.

It would be abhorrent to allow this planning application to go ahead. Apparently, the owners are already negotiating with special forces for another exercise and they are also trying to organise the World championship long range shooting competition to take place quite soon. The shooting close to Samye Ling needs to be stopped and this planning application or any in the future needs to be permanently denied.

The monastery attracts people from all overthe World. You just need to read the visitor books at some of the comments left. I know I have spent a lot of money in Lockerbie and the surrounding area when I have visited over the past nine years that I have been attending.

I plead with you from the bottom of my heart to do everything you can to ensure that this planning application (and any future such applications) are denied. It would be even better if there could be no shooting anywhere near such a beautiful place.

Please, please help Nicola. The Lamas, nuns and monks desperately need your help to stop this. They ask for nothing except to be left in peace to carry on with their way of life and to be able to pass on their precious knowledge to anyone who wishes to know about it.

Please do everything you can to save Samye Ling from this abhorrent planning application.

Thank you for taking the time to read this,

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 2

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED

Our Reference: 202100178013
1 April 2021

Dear REDACTED

Thank you for your email of 7 March to the First Minister regarding the planning applications for firing range developments at Over Cassock and Clerkhill, Dumfries and Galloway. I have been asked to reply.

I acknowledge your concerns. As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some use.

The planning system includes provisions for communities to contribute views about proposals which may affect them. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

I hope this is helpful.

Yours sincerely

REDACATED
PAD : Planning Performance

DOCUMENT 3 E-MAIL TO THE FIRST MINISTER DATED 9 MARCH 2021

From: REDACTED>
Sent: Tuesday, March 9, 2021 10:57 AM
To: First Minister <firstminister@gov.scot>
Subject: Fwd: Samye Ling Monastery

---------- Forwarded message ----------
From: REDACTED
Date: Tuesday, March 9, 2021
Subject: Samye Ling Monastery
To: Nicola.Sturgeon.msp@parliament.scot

Dear Nicola, apologies for bothering you when you are so busy. I am writing to ask for your help. The existence of Samye Ling monastery is threatened by the intention to set up two high-velocity shooting ranges in close proximity. This place is a national treasure. The Dalai Lama has visited and blessed the site. People are engaged in 3-year meditation retreat at the retreat centre. Samye Ling is world-renowned and is loved by many thousands of people across Scotland and the whole world. It would be an absolute tragedy if it is ruined by this venture. Please do anything in your power to protect Samye Ling monastery. With kind regards,

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 3

DIRECTORATE FOR SAFER COMMUNITIES
DSF : Safer Communities Division

REDACTED
Our Reference: 202100179152
29 March 2021

Dear REDACTED,

Thank you for your e-mail of 9 March 2021 to the First Minister, Nicola Sturgeon regarding proposals to establish shooting ranges near the Samye Ling monastery. I have been asked to reply.

I understand that two target shooting clubs have submitted applications to develop new shooting ranges in the Eskdalemuir valley, and these proposed developments have attracted some local media attention. It is perhaps worth emphasising that these ranges are still only at the planning stage, and are not approved for use. Dumfries and Galloway Council are considering planning permission, and I understand that the Community Council have already raised concerns in relation to the proposals.

Police Scotland are also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

I recognise that this is a very sensitive issue for visitors to the temple and the wider Buddhist community. I am also aware of local concerns about the proposed development of shooting ranges in Eskdalemuir.

The Scottish Government does not play a role in approving land for use as a shooting range. The Local Authority and Police Scotland are the organisations with oversight for these matters. I recommend that you raise your concerns about the proposals with Dumfries and Galloway Council directly so that they can consider the views of all interested parties when deciding if planning permission for the shooting ranges is appropriate or not.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.

Yours sincerely

REDACTED
SCD : Building Safer Communities

DOCUMENT 4 – E-MAIL EXCHANGE DATED 10 MARCH 2021

From: Dey G (Graeme), MSP <Graeme.Dey.msp@parliament.scot>
Sent: 10 March 2021 15:58

To: Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>
Subject: Fwd: Gun range

Begin forwarded message:

From: REDACTED
Date: 10 March 2021 at 15:52:06 GMT
To: "Dey G (Graeme), MSP" <Graeme.Dey.msp@parliament.scot>
Subject: Fw: Gun range

From: REDACTED
Sent: 10 March 2021 15:48
To:

Graeme.Dey.msp@parliament.scot

Subject: Gun range

Dear Graeme Day MSP,

It has saddened my heart to hear of the planning of a US Gun Range at Dumfries and Galloway, and the plan for the for permission to use of 0.5 calibre rounds.

I have been told it will be situated two kilometres from Samye Ling Monastery and Tibetan Buddhist Centre.

I, as a REDACTED , can say with experience that the sound of 0.5 can be heard five miles away. In fact, the noise of7.62 or 5.5 calibre will be heard.

I REDACTED at Samye Ling and it is the most peaceful place to have a retreat for veterans and families suffering with PTSD and associated mental health.

I REDACTED However, what was missing was the peaceful and tranquil feeling in the area of Samye Ling.

I REDACTED if this gun range plan goes ahead, as the sounds of gun fire and heavy machine gun fire, would be very triggering REDACTED .

Samye Ling also run many civilian retreats for people from all over the world.

I hope Graeme, you can do what you're capable of doing in stopping such an insane plan.

With respect and metta

REDACTED.

REDACTED

REDACTED

SAMYE LING'S PEACE THREATENED BY GUNFIRE FROM SHOOTING RANGES

Peace is Priceless

Kagyu Samye Ling Monastery and Tibetan Buddhist Centre, set amongst the rolling hills of Eskdalemuir, is a precious beacon of peace, both locally and globally. The site was chosen in the 1960's by His Holiness Karmapa and later inaugurated by His Holiness Dalai Lama.

A Buddhist sacred place and seat of learning for pilgrims from around the world, it also attracts thousands of visitors of all faiths and walks of life. From school groups and students to families and ex Service men and women, all are welcome to enjoy the art and atmosphere of its beautiful temple, tranquil Peace Gardens and restorative benefits of its natural environment to physical and mental health.

It beggar's belief that this haven of peace and harmony is under threat of being caught in the noise of crossfire, midway between two high velocity gun firing ranges. Planning permission is not yet granted but shooting has already begun. As well as existing duck and grouse shoots, which have grown exponentially in recent times, the valley's residents have reported ear splitting, prolonged machine gunfire, said to be linked to US military training and war games enacted by gun enthusiasts firing high calibre weapons.

If this is already happening without planning permission, one shudders to think of the harm caused to people, wildlife and the environment, were it ever granted!

HELP PROTECT PEACE BY OBJECTING TO THE PROPOSED GUN RANGES

Time is of the essence, so please email the planning department asap.

Simply cut and paste, or adapt the following letter.

Thank you

Email - planningrepresentations@dumgal.gov.uk

Open letter from REDACTED:

"I am REDACTED Regulation 10 (5) (f) – third party interests.

Now I hear the US forces will be training on a long range (up to 4km) high velocity firing 0.5 calibre range within two kilometres of Samye Ling on forestry land.

Thousands of people come to Samye Ling for courses and to meditate. They all feel strongly opposed to this plan. I have many friends from around the world who are determined to raise their voices in opposition to it.

So, I humbly request the forestry company to please reconsider this plan."

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 4

DIRECTORATE FOR SAFER COMMUNITIES
DSF : Safer Communities Division

REDACTED
Our Reference: 202100180654
31 March 2021
Dear REDACTED

Thank you for your email of 10 March 2021 to the Minister for Parliamentary Business and Veterans, Graeme Dey MSP, about proposals to develop shooting ranges in Eskdalemuir valley. You email has been passed to the Scottish Government Safer Communities Division and I have been asked to reply.

I can appreciate that this is a very sensitive issue for the Buddhist community and all visitors to Samye Ling, as you have described in your email. You have mentioned the development of a US Gun Range, however it may be helpful to clarify that the only proposals I am aware of are from two UK target shooting clubs, which have applied to Dumfries and Galloway Council for planning permission to develop shooting ranges. These ranges are still only at the planning stage and are not approved for use. Dumfries and Galloway Council are considering the applications, and I understand that the Community Council have already raised concerns in relation to the proposals. Police Scotland are also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

The Scottish Government does not play a role in approving land for use as a shooting range. The Local Authority and Police Scotland are the organisations with oversight for matters like this, and I would therefore suggest that you should raise your concerns about the proposals with Dumfries and Galloway Council directly as it will be their decision whether to grant planning permission, or not.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.

Yours sincerely

REDACTED
SCD : Building Safer Communities

-----Original Message-----
From: First Ministers Website Mailbox <FirstMinisterWebsite@gov.scot>
Sent: Thursday, March 11, 2021 3:06 PM
To: First Minister <firstminister@gov.scot>
Subject: FW: Eskdalemuir firing range

_____
From: [FirstMinisterWebsite@gov.scot]
Sent: Thursday, 11 March 2021 15:05:25 (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: First Ministers Website Mailbox
Subject: Eskdalemuir firing range

From: REDACTED
Subject: Eskdalemuir firing range

Message Body:
Dear First Minister. I'm am writing to voice my concern and consternation about the proposed high velocity long range firing range ,to be built in Eskdalemuir ... I looked up the company belonging to two of the frequent visitors to this site as mentioned in a local newspaper article and was quite frankly terrified ..... I knew that this "culture" was prevalent in the U.S but attracting it to Scotland as business for the tourist trade is very disturbing .
Yours faithfully

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 5

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100179789
1 April 2021
Dear REDACTED,
Thank you for your email of 11 March 2021 to the First Minister regarding your concerns surrounding firing range proposals near Eskdalemuir. I have been asked to reply.

I acknowledge your concerns. As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some use.

The primary responsibility for dealing with planning applications and local planning matters rests with Dumfries and Galloway as local planning authority. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. The planning system includes provisions for communities to contribute views about proposals which may affect them. In reaching a decision the planning authority is expected to have regard to all material

factors, including views from consultees and any representations from members of the public submitted to them.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

I hope this is helpful.

Yours sincerely

REDACTED

PAD : Planning Performance

DOCUMENT 6 – E-MAIL DATED 12 MARCH 2021 – COPIED TO FIRST MINISTER

From: REDACTED
Sent: Friday, March 12, 2021 6:50 PM
To: planningrepresentations@dumgal.gov.uk
Cc: First Minister <firstminister@gov.scot>
Subject: planning ref number - 20/2013/FUL and 20/0630/FUL

To whom it may concern,

As a frequent visitor to Eskdalemuir and in particular, to Samye Ling Buddhist Monastery & Tibetan Centre, I am distressed to learn of the proposed plans, to which I strongly object for their potentially detrimental effect on the precious amenities and for reasons stated below.

PERSONAL - I discovered Samye Ling by chance through a one paragraph entry in a rough guide book 15 years ago and decided to take a chance and visit. My experience that day was so profound it changed my life and I have been fortunate enough to share that experience with others in my family and watch how the calmness and tranquility of the place transforms and soothes them. To take that away from current and future generations would be unforgivable

SPIRITUAL - The peaceful Eskdalemuir Valley has been home to the internationally renowned Samye Ling Monastery and Tibetan Buddhist Centre since it was established in 1967. With a resident community of some 50 monks, nuns and laypeople, it is also the spiritual home for countless others who regularly gather to attend teachings as well as ceremonies to pray for world peace.

CULTURAL - One of the most visited tourist attractions in Scotland, every year Samye Ling welcomes thousands of visitors of all faiths and walks of life. From families, school groups and students to Inter-Faith groups and recovering ex-Servicemen and women, all are welcome to enjoy the beautiful temple, contemplative Peace Gardens and the restorative benefits to the physical and mental health of its natural environment.

ENVIRONMENTAL - Alongside it's wild and natural beauty, the most precious quality of the Eskdalemuir valley is the peace and quiet, which make it a haven for wildlife and for people seeking respite from the stress of modern-day life, now more than ever after Covid-19.

The proposed developments in the area would be in direct conflict with all the above resources, nearby land uses, religious and peaceful activities on the following grounds:

NOISE POLLUTION High-velocity shooting ranges would destroy the peace of the environment, cause distress and detrimentally affect the activities and health of residents, visitors and wildlife.

EARTH POLLUTION The areas where shooting is taking place becomes littered with spent gun cartridges made of plastic, lead and other metals which pollute the soil and harm life.

WATER POLLUTION Pollution of water sources by lead shot used for pheasant and duck shooting and the ammunition used in the high calibre, military weapons is toxic.

Therefore I urge the planning department not to grant permission for these shooting ranges which are so damaging to the area's peace and quality of life.

Yours sincerely,
REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 6

DIRECTORATE FOR SAFER COMMUNITIES
DSF : Safer Communities Division

REDACTED
Our Reference: 202100182214
Your Reference: planning ref number - 20/2013/FUL and 20/0630/FUL
30 March 2021
Dear REDACTED

Thank you for your e-mail of 12 March 2021 which was copied to the First Minister, Nicola Sturgeon, regarding planning proposals to establish shooting ranges near the Samye Ling monastery. I have been asked to reply.

I am aware that two target shooting clubs have submitted applications to develop new shooting ranges in the Eskdalemuir valley and that these proposed developments have attracted some local media attention. I also understand that Dumfries and Galloway Council are considering planning permission and that the Community Council have already raised concerns in relation to the proposals. Police Scotland are also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

I recognise that this is a sensitive issue for visitors to the temple and the wider Buddhist community and note your comments in relation to the importance of the Samye Ling monastery and the range of negative impacts you foresee should planning permission be granted.

The Scottish Government does not play a role in approving land for use as a shooting range. The Local Authority and Police Scotland have responsibility for oversight of these matters and I am pleased to see that you have raised your concerns about the proposals directly with Dumfries and Galloway Council. It is important that the Council is aware of the views of all interested parties when deciding if planning permission for the shooting ranges is appropriate or not.

I am sorry that on this occasion the Scottish Government cannot do more to help, but hope that in
raising these matters with the appropriate authorities you reach a satisfactory resolution.

Yours sincerely
REDACTED
SCD : Building Safer Communities

From: REDACTED
Sent: Saturday, March 13, 2021 9:01 AM
To: First Minister <firstminister@gov.scot>
Cc: REDACTED MULTIPLE E-MAIL ADDRESSES @dumgal.gov.uk; @dumgal.gov.uk; @dumgal.gov.uk; David@davidmundell.com; Oliver.Mundeep.msp@parliament.scot; Joan.McAlpine.msp@parliament.scot; Colin.smyth.msp@parliament.scot; Claudia.beamish.msp@parliament.scot
Subject: PLANNING OBJECTION - Peacefulness is rare

Dear First Minister,

With reference to : Clerkhill range planning ref number - 20/2013/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM TARGET SHOOTING RANGE, TRAINING CENTRE AND CAR PARKING AREA (RETROSPECTIVE)

Over Cassock range planning ref number - 20/0630/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM RIFLE RANGE AND ERECTION OF ASSOCIATED BUILDING (RETROSPECTIVE)

The Eskdalemuir valley and surrounds is a very beautiful, peaceful place where Samye Ling Tibetan Monastery has been for over 50 years. I used to live in The Valley and when allowed frequently visit this area. The above proposal would absolutely ruin the tranquility of the area.

Many ex-servicemen go to Samye Ling to recover from PTSD and get help. Imagine what this would do to them.

Please can you stop this from happening, guns like this should not be alongside places which promote the sacredness of life and Peace on earth for all. It brings tears to my eyes. The Council should at least consult with the locals.

I pray and hope something can be done and the shooting moved to another area where there is no monastery.

Thank you for your time in reading this.

Yours sincerely

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 7

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100182160
Your Reference: PLANNING OBJECTION - Peacefulness is rare
13 April 2021
Dear REDACTED

Thank you for your email of 13 March 2021 to the First Minister regarding your concerns surrounding the planning proposals for firing ranges near Eskdalemuir. I have been asked to reply.

I acknowledge your concerns. As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some help.

The planning system includes provisions for communities to contribute views about proposals which may affect them. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

The Scottish Government funds two national charities to deliver mental health advice and services to veterans: Combat Stress and V1P. Both charities aim to have a seamless approach to veterans' mental health working alongside NHS and social care partners to deliver the most appropriate service to meet need.

Where communities or individuals wish to make representations on any application, whether local or major, these need to be submitted to the planning authority once the application is live.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

I hope this is helpful.

Yours sincerely
REDACTED
PAD : Planning Performance

From: REDACTED
Sent: Saturday, March 13, 2021 3:41 PM
To: First Minister <firstminister@gov.scot>
Cc: REDACTED MULTIPLE @dumgal.gov.uk; @dumgal.gov.uk @dumgal.gov.uk>; @dumgal.gov.uk @dumgal.gov.uk>; David@davidmundell.com <David@davidmundell.com>; Oliver.Mundeep.msp@parliament.scot <Oliver.Mundeep.msp@parliament.scot>; Joan.McAlpine.msp@parliament.scot <Joan.McAlpine.msp@parliament.scot>; Colin.smyth.msp@parliament.scot; Claudia.beamish.msp@parliament.scot
Subject: planned shooting ranges near Samye Ling Monestery

Dear Ms Sturgeon,

I am writing to voice my profound objection to the planned high velocity shooting ranges that have been proposed to be sited either side of Samye Ling Monastery near Eskdalemuir in Dumfries and Galloway.

Samye Ling has been a place of refuge and retreat for people of all religions and none, since it was founded in 1967. It is a centre for world peace, compassion and peace are central to all teachings there.

Although rooted in the Buddhist faith, Samye Ling is noted for its inclusivity and is open to all. Many people are drawn to the Monastery because of its peaceful and naturally beautiful setting. The many visitors bring benefits to the local community, Eskdalemuir tea rooms are used for social gatherings and local accommodation is also used by visitors, especially during busy times.

Samye Ling offers both Buddhist and Secular teachings in Mindfulness and Meditation along with Yoga, Tai Chi and Quigong all of which have been proven to be of great benefit to mental health.

Aberdeen University holds classes for its internationally renowned MSc in Mindfulness at Samye Ling monastery. I was a student on this course, students came not only from all over the UK but from across Europe and as far away as Brazil in my year group. This is held at Samye Ling because of the peaceful, calm and welcoming environment, a retreat from everyday life, and so conducive to improving and deepening mindfulness practice.

Mindfulness teachers are trained at Samye Ling, both as part of the MSc in Mindfulness and via training by the secular Mindfulness Association, who also teach mindfulness and compassion training there. By training teachers to go out into the wider community Samye Ling touches the lives of countless others in addition to the thousands that visit there annually.

The sound of gunfire is not only at odds to the centre's teachings and prayers for world peace, it would make teaching and practicing of mindfulness and meditation more difficult. Walking in the peace and serenity of nature are important to many of the teachings and this would be adversely affected by sounds of gunfire.

Wildlife enjoys the sanctuary of Samye Ling's gardens and surrounding areas, as Buddhists respect all life many birds find refuge there, there is a concern that gunfire would have a negative effect on wildlife there too.

Personally I wonder if this is an attempt by those who object to there being a Buddhist centre sited there to drive them out? Siting a shooting range on either side of the Monastery certainly would appear to be intimidating.

I also have concerns and questions about why a private shooting range would be training people to shoot high velocity weapons? These weapons reportedly can kill at a 2 mile range. Who are they training here? What measures are in place to protect the public?

25 years on from the Dunblane Massacre surely lessons have to be learned about putting firearms into the hands of the public?

I understand such weapons may be seen to be necessary in the forces but surely they should stay within the confines of the forces and appropriate training be given by them?

Yours Sincerely

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 8

DIRECTORATE FOR SAFER COMMUNITIES
DSF : Safer Communities Division

REDACTED
Our Reference: 202100182015
31 March 2021
Dear REDACTED

Thank you for your email of 13 March 2021 to the First Minister regarding proposals to build new shooting ranges in Eskdalemuir. Your email has been passed to the Scottish Government Safer Communities Directorate where I have been asked to reply.

I understand that this is a very sensitive issue for the Buddhist community at Samye Ling, as well as for all visitors to the temple, as you have described in your email. It may be helpful if I explain that two target shooting clubs have submitted applications to develop new shooting ranges in the Eskdalemuir valley. These ranges are still only at the planning stage, and are not currently approved for use.

Dumfries and Galloway Council are considering planning permission, and I understand that the Community Council have already raised concerns about the developments including the potential for noise disturbance. Police Scotland are also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

The decision of whether to grant planning permission or not will be for Dumfries and Galloway Council, and the Scottish Government is not involved in this process. I would therefore suggest that you should raise your concerns about the proposals with the Council directly, if you have not already done so.

You have also questioned the proposed use of high calibre rifles on these ranges (sometimes called high velocity or .50 calibre rifles). Most firearms law in the UK is reserved to the Westminster Government. Under current arrangements, rifles with muzzle energies of up to 10,000 foot/pounds are classed as “full bore” and may be used by approved target shooting clubs. If planning permission is approved by Dumfries and Galloway Council in these cases then Police Scotland will also assess the land, and shooting will only be permitted if police are fully satisfied that there is no danger to public safety. As I say, the law in this area is reserved to the UK Government and if you have concerns or queries about civilian use of such weapons then I would suggest you write to your local MP, or the Home Office about this.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.

Yours sincerely
REDACTED
SCD : Building Safer Communities

From: REDACTED @gov.scot> **On Behalf Of** Minister for Parliamentary Business and Veterans
Sent: Saturday, March 13, 2021 1:23 PM
To: Public Engagement Unit <CorrespondenceUnit@gov.scot>
Cc: Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; REDACTED @gov.scot>
Subject: FW: URGENT: Proposed Rifle Range will put an end to Veterans Retreats at Samye Ling

For response

Thanks,
REDACTED

From: Dey G (Graeme), MSP <Graeme.Dey.msp@parliament.scot>
Sent: 13 March 2021 12:57
To: Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>
Subject: Fwd: URGENT: Proposed Rifle Range will put an end to Veterans Retreats at Samye Ling

Begin forwarded message:

From: REDACTED>
Date: 13 March 2021 at 12:10:25 GMT
To: "Dey G (Graeme), MSP" <Graeme.Dey.msp@parliament.scot>
Subject: URGENT: Proposed Rifle Range will put an end to Veterans Retreats at Samye Ling

Hello Graeme,
My name is REDACTED

REDACTED

REDACTED

On **March 18 2021** something is being proposed that will put an end to these deeply beneficial Veterans Retreats.

I am asking for you to oppose this and to use your influence to help prevent it from happening.

The Brief

- Two high velocity 50 calibre rifle ranges are being proposed to be built: one to at a distance of 4km and the other at a distance of just 2km from Samye Ling.
- The one that is 4km away has already had a “soft opening” and the sound of military grade gunfire is already being heard.
- If the other one (just 2km from Samye Ling) gets the planning permission that it seeks this will spell the end to the Veterans Retreats as well as dozens of other retreats that happen at Samye Ling.

- These are not just shooting ranges but rather military grade practice ranges using high velocity/military calibre guns that can be heard at a distance of 5km.
- The landowner has been in public negotiations with US Air Force special forces to use the range as a training ground, with the world long distance shooting competition due to be held at the site, if planning is approved.

Main concerns

- PTSD flashbacks. The sound of high-velocity rounds will very likely trigger PTSD flashbacks/episodes in the group of veterans (around 80% of whom are medically diagnosed PTSD sufferers) and so retreats there will be impossible.
- Due to the very generous venue hire cost which Samye Ling offers there is no viable alternative venue which we can afford and so the 6 year tradition of Veterans Retreats will come to an end.
- The peaceful atmosphere of meditation and tranquillity that visitors expect from Samye Ling will be shattered by the sound of gunfire.
- Purelands Retreat centre (the part of Samye Ling where mindfulness retreats are hosted, including the Veterans Retreats) will actually have to close for business because running mindfulness retreats within sound of high calibre gunfire is simply untenable.
- This will lead to the loss of tens of thousands of pounds income to Samye Ling and to the surrounding local economy, let alone the mental health benefits of the retreats hosted there.
- A minimum of 30,000 visitors a year come to Samye Ling. These visitor numbers will be greatly reduced as the visitor experience and expectation of peace and tranquillity is ruined by heavy military gunfire nearby. This will lead to the loss of tens of thousands of pounds income to Samye Ling and to the surrounding local economy.

The **deadline for objections is 18th March** so I am asking for you to oppose this project urgently please.

The email of the planning department is planningrepresentations@dumgal.gov.uk

Here is the reference info:

Clerkhill range planning ref number - 20/2013/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM TARGET SHOOTING RANGE, TRAINING CENTRE AND CAR PARKING AREA (RETROSPECTIVE)

Over Cassock range planning ref number - 20/0630/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM RIFLE RANGE AND ERECTION OF ASSOCIATED BUILDING (RETROSPECTIVE)

With thanks and hope,

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 9

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100182379
1 April 2021
Dear REDACTED

hank you for your email of 13 March 2021 to the Minister for Parliamentary Business and Veterans regarding planning applications for firing range developments at Over Cassock and Clerkhill. I have been asked to reply.

I acknowledge your concerns. The Scottish Government funds two national charities to deliver mental health advice and services to veterans: Combat Stress and V1P. Both charities aim to have a seamless approach to veterans' mental health working alongside NHS and social care partners to deliver the most appropriate service to meet need.

As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some use. The primary responsibility for dealing with planning applications and local planning matters rests with Dumfries and Galloway as local planning authority. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. The planning system includes provisions for communities to contribute views about proposals which may affect them. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

I hope this is helpful.
Yours sincerely
REDACTED
PAD : Planning Performance

DOCUMENT 10 – E-MAIL TO FIRST MINISTER DATED 13 MARCH 2021

From: REDACTED
Sent: Saturday, March 13, 2021 2:21 AM
To: First Minister <firstminister@gov.scot>

Cc: REDACTED MULTIPLE @dumgal.gov.uk; @dumgal.gov.uk; @dumgal.gov.uk; David@davidmundell.com; Oliver.Mundeep.msp@parliament.scot; Joan.McAlpine.msp@parliament.scot; Colin.smyth.msp@parliament.scot; Claudia.beamish.msp@parliament.scot
Subject: Eskdalemuir Valley concern

Dear Ms. Sturgeon, Dear Councillors, Dear MSPs,

I would like to express my concern about planned shooting ranges in Eskdalemuir Valley. It would deeply interfere with the whole idea of Buddhist Samye Ling Monastery, which is in place for more than 50 years. Buddhism is very peaceful religion and in the core of this religion is meditation. What monks and visitors to this monastery are doing on daily basis is this meditation and it must be done in silence. This is the reason, I believe, that kind of remote Eskdalemuir Valley was chosen for building of this monastery in the first place.

In my humble opinion, planned military grade shooting range is unacceptable anywhere in beautiful Scottish nature, more so on the place of peaceful activities like this. That's why I am asking, if you would be so kind and consider some other possible options, please. Hopefully there will be found a way to protect the peaceful character of this place.

Thank you very much for taking the time to read this e-mail.

Yours sincerely,
REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 10

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100182227
13 April 2021

Dear REDACTED,

Thank you for your email of 13 March 2021 to the First Minister regarding the planning applications for firing range developments at Over Cassock and Clerkhill. I have been asked to reply.

I acknowledge your concerns. As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some use. The primary responsibility for dealing with planning applications and local planning matters rests with Dumfries and Galloway as local planning authority. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise.

The planning system includes provisions for communities to contribute views about proposals which may affect them. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

I hope this is helpful.

Yours sincerely
REDACTED
PAD : Planning Performance

DOCUMENT 11 – E-MAIL TO FIRST MINISTER DATED 14 MARCH 2021

_____
From: [FirstMinisterWebsite@gov.scot]
Sent: Sunday, 14 March 2021 15:53:39 (UTC+00:00) Dublin, Edinburgh, Lisbon, London

To: First Ministers Website Mailbox
Subject: Live Machine gun fire

From: REDACTED
Subject: Live Machine gun fire

Message Body:
Dear Nicola, I am a practicing Tibetan Buddhist and have just read an article in the Guardian regarding the American armies wish to use Scottish soil around the Tibetan monastery of Samye Ling. They apparently wish to use an area about 2 km from the monastery for live firing of high velocity machine guns. I am extremely concerned that we in Scotland would allow this. There are also reports of two other farms wishing to use or re apply for use as live weapons firing areas. Surely after the recent commemorative events at Dunblane on the 13th this can not be allowed. Please can you intervene and stop this.

Kind regards
REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 11

DIRECTORATE FOR SAFER COMMUNITIES
DSF : Safer Communities Division

REDACTED
Our Reference: 202100182383
29 March 2021
Dear REDACTED

Thank you for your e-mail of 14 March 2021 to the First Minister, Nicola Sturgeon regarding proposals to use land near the Samye Ling monastery for use as live weapons and machine guns firing areas. I have been asked to reply.

I understand that two target shooting clubs have submitted applications to develop new shooting ranges in the Eskdalemuir valley and that these proposed developments have attracted some local media attention. It is perhaps worth emphasising that these ranges are still only at the planning stage and are not approved for use. Dumfries and Galloway Council are considering planning permission and I understand that the Community Council have already raised concerns in relation to the proposals. Police Scotland are also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

I am not currently aware of any plans for a military, police or any other type of training facility in Eskdalemuir. I understand from local police that the only developments being considered are the shooting club ranges mentioned above. If these were to be approved then they would only be for use by club members and other, appropriately-licensed private individuals.

I recognise that this is a very sensitive issue for visitors to the temple and the wider Buddhist community and am also aware of local concerns about the proposed development of shooting ranges in Eskdalemuir. The Scottish Government does not play a role in approving land for use as a shooting range and the relevant Local

Authority and Police Scotland have responsibility for oversight of these matters. I recommend that you raise your concerns about the proposals directly with Dumfries and Galloway Council so that they can consider the views of all interested parties when deciding if planning permission for the shooting ranges is appropriate or not.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.

Yours sincerely

REDACTED

SCD : Building Safer Communities

DOCUMENT 12 – E-MAIL TO FIRST MINISTER DATED 14 MARCH 2021

From: REDACTED
Sent: Sunday, March 14, 2021 1:44 PM

To: First Minister <firstminister@gov.scot>
Subject: Shooting at Samye Ling

Dear First Minister,

I am writing to bring to your attention the recent troubling development of unauthorised high caliber shooting ranges in very close proximity to the long established and world renown international centre for peace at Eskdalemuir... namely the Samye Ling Tibetan Buddhist Community. Surely you can see the incompatibility of this application for planning permission. Like many thousands of other people from around the world I have been a regular visitor to Samye Ling for decades. It is a sanctuary of peace in a troubled world. It would be a tragic loss to Dumfries and Galloway if this development were allowed to proceed.

Please show a little kindness and generosity by intervening before the situation gets much worse.

Yours sincerely,

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 12

DIRECTORATE FOR SAFER COMMUNITIES
DSF : Safer Communities Division

REDACTED
Our Reference: 202100182300
29 March 2021

Dear REDACTED ,

Thank you for your e-mail of 14 March 2021 to the First Minister, Nicola Sturgeon regarding proposals to establish shooting ranges near the Samye Ling monastery. I have been asked to reply.

I understand that two target shooting clubs have submitted applications to develop new shooting ranges in the Eskdalemuir valley and that these proposed developments have attracted some local media attention. It is perhaps worth emphasising that these ranges are still only at the planning stage and are not approved for use. Dumfries and Galloway Council are considering planning permission and I understand that the Community Council have already raised concerns in relation to the proposals. Police Scotland are also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

I recognise that this is a very sensitive issue for visitors to the temple and the wider Buddhist community. I am also aware of local concerns about the proposed development of shooting ranges in Eskdalemuir. However, the Scottish Government does not play a role in approving land for use as a shooting range. The Local Authority and Police Scotland have responsibility for oversight of these matters. I recommend that you raise your concerns about the proposals with Dumfries and

Galloway Council directly so that they can consider the views of all interested parties when deciding if planning permission for the shooting ranges is appropriate or not.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.

Yours sincerely
REDACTED
SCD : Building Safer Communities

DOCUMENT 13 – E-MAIL TO FIRST MINISTER DATED 14 MARCH 2021

From: REDACTED
Sent: Sunday, March 14, 2021 12:54 PM
To: First Minister <firstminister@gov.scot>
Cc: REDACTED MULTIPLE @dumgal.gov.uk; @dumgal.gov.uk; @dumgal.gov.uk; David@davidmundell.com;

Oliver.Mundeep.msp@parliament.scot; Joan.McAlpine.msp@parliament.scot;
Colin.smyth.msp@parliament.scot; Claudia.beamish.msp@parliament.scot
Subject: Preserve the peace in Eskdalemuir valley and Samye Ling Monastery

Nicola Sturgeon
First Minister of Scotland

Dear Nicola,

Firstly, thank you for taking time to read this email, I appreciate that you have a great deal of extra work with the pandemic situation.

I am writing to express my heartfelt concerns for the proposed armed ranges near to the Samye Ling monastery in Eskdalemuir, Dumfries and Galloway.

REDACTED I also enjoy taking family members, my children and friends to experience its peaceful and transforming nature.
So as you can probably tell, it forms a core part of mine and my family's life, and I am really concerned about the adverse effect the ranges will have on this beloved place.

Samye Ling is described as a "Place beyond imagination", we really need to protect it for current and future generations, the Stupa itself would be reason enough to prevent these plans in my opinion. This was the first authentic Stupa to be built in the West, and is considered by Buddhists to have a transforming, healing effect on the surrounding areas. There are many memorials, and urns of people and animals ashes in the Stupa and around it in the prayer wheel house. A place of peace for relatives to find solace and comfort as well. When Akong Rinpoche built the Victory Stupa, weapons were buried underneath as a way to symbolise victory over aggression. I read the other day some comments from Akong Rinpoche concerning the preciousness of Samye Ling, in them he made a remarkable comment, that the place is so blessed for Buddhists that in the future people from the East will come on pilgrimage to visit.

Over the years, I have seen so many visitors coming into the grounds and the temple and I can really see the effect the place has on them, they look so happy and in wonder at all the art and the shrines. The place has a peace about it that I have never encountered anywhere else. The numbers of visitors seem to be increasing all the time, and I saw one time that it was one of the most visited places in Scotland, that is quite something.

I have a friend who organises retreats at Purelands (next door to Samye Ling) for forces veterans who have problems with PTSD, with expert help from meditation teachers. These have been very successful, and would be detrimentally affected by gunfire in the valley. This is probably the only place doing such retreats around.

Finally, I'd like to point out that Lama Yeshe, the abbot of Samye Ling, is in his late 70s now and lives at REDACTED Regulation 10 (5) (f) – third party interests. REDACTED

I am copying in local MSPs and councillors too, hopefully those who have the decision making powers will decline these plans, and help to preserve this wonderful place.

Yours Sincerely

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 13

DIRECTORATE FOR SAFER COMMUNITIES
DSF : Safer Communities Division

REDACTED
Our Reference: 202100182461
Your Reference: Preserve the peace in Eskdalemuir valley and Samye Ling Monastery
29 March 2021
Dear REDACTED,

Thank you for your e-mail of 14 March 2021 to the First Minister, Nicola Sturgeon regarding proposals to establish shooting ranges near the Samye Ling monastery. I have been asked to reply.

I understand that two target shooting clubs have submitted applications to develop new shooting ranges in the Eskdalemuir valley and that these proposed developments have attracted some local media attention. It is perhaps worth emphasising that these ranges are still only at the planning stage and are not approved for use. Dumfries and Galloway Council are considering planning permission and I understand that the Community Council have already raised concerns in relation to the proposals. Police Scotland are also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

I recognise that this is a very sensitive issue for visitors to the temple and the wider Buddhist community and note the examples you have highlighted that give a sense of the importance and value of the Samye Ling monastery. I am also aware of local concerns about the proposed development of shooting ranges in Eskdalemuir.

I can confirm that the Scottish Government does not play a role in approving land for use as a shooting range and that the Local Authority and Police Scotland have responsibility for oversight of these matters. I recommend that you raise your concerns about the proposals with Dumfries and Galloway Council directly so that they can consider the views of all interested parties when deciding if planning permission for the shooting ranges is appropriate or not.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.

Yours sincerely
REDACTED
SCD : Building Safer Communities

DOCUMENT 14 – E-MAIL TO FIRST MINISTER DATED 14 March 2021

From: [FirstMinisterWebsite@gov.scot]
Sent: Sunday, 14 March 2021 16:35:27 (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: First Ministers Website Mailbox
Subject: Samye Ling Tibetan Buddhist Centre.

From: REDACTED
Subject: Samye Ling Tibetan Buddhist Centre.

Message Body:
I would ask the First Minister and the Scottish Government to intervene before Scotland spectacularly scores an own goal by allowing Dumfries and Galloway planning department to allow a US military firing rage to go ahead within ear shot of this Spiritual Centre that is a world class heartbeat fro the well being of all people.
It cannot be underestimated the true value of Same Ling in Scotland, its force for good and the detrimental affect Spiritually and economically if this planning is to go ahead. perhaps there is not enough " planning" reasons to turn the Military shooting range down, surely the Government must step in to avoid a serious detrimental affect upon one of our World class attractions. Particularly important post Covid. Thank you for your attention.

ASSOCIATED RESPONSE TO DOCUMENT 14

DIRECTORATE FOR SAFER COMMUNITIES

DSF : Safer Communities Division

REDACTED
Our Reference: 202100182391
31 March 2021
Dear REDACTED

Thank you for your email of 14 March 2021 to the First Minister about proposals to develop shooting ranges in Eskdalemuir valley. Your email has been passed to the Scottish Government Safer Communities Division and I have been asked to reply.

I appreciate that this is a very sensitive issue for the Buddhist community at Samye Ling, as well as for all visitors to the Monastery. You have referred to a US Military firing range, however it may be helpful if I clarify that I am not aware of any plans to develop any kind of military training facilities at Eskdalemuir. I understand from local police that two private target shooting clubs have submitted applications to develop ranges in the valley. Dumfries and Galloway Council are considering their requests for planning permission, and the Community Council have already raised concerns in relation to the proposals. Police Scotland are also assessing the safety procedures at the sites to ensure that there would be no danger to public safety, if the sites were to be approved for use.

The Scottish Government does not play a role in approving land for use as a shooting range. The Local Authority and Police Scotland are the organisations with oversight for matters like this. I would therefore suggest that you should raise your concerns about the proposals with Dumfries and Galloway Council directly, if you have not already done so, as it will be their decision whether to grant planning permission or not.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.
Yours sincerely

REDACTED

DOCUMENT 15 – E-MAIL SENT TO FIRST MINISTER DATED 14 MARCH 2021

From: REDACTED
Sent: Sunday, March 14, 2021 7:47 PM
To: First Minister <firstminister@gov.scot>
Subject: Fwd: OBJECTIONS: Clerkhill and Cassock ranges planning requests

Begin forwarded message:

From: REDACTED
Date: 14 March 2021 at 19:45:23 GMT
To: Nicola.Sturgeon.msp@parliament.scot
Subject: OBJECTIONS: Clerkhill and Cassock ranges planning requests

With reference to :

Clerkhill range planning ref number - 20/2013/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM TARGET SHOOTING RANGE, TRAINING CENTRE AND CAR PARKING AREA (RETROSPECTIVE)

Over Cassock range planning ref number - 20/0630/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM RIFLE RANGE AND ERECTION OF ASSOCIATED BUILDING (RETROSPECTIVE)

To whom it may concern,

As a frequent visitor to Eskdalemuir and in particular to Samye Ling Buddhist Monastery & Tibetan Centre, I am distressed to learn of the proposed plans, to which I strongly object for their potentially detrimental effect on the precious amenities and for reasons stated below.

- The Human Rights Commission states: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions.” E.g. their home and garden.
- Noise levels are substantial and are impacting negatively on local residents, their children and pets/livestock. This can be hours of constant gunfire and the sound of a metal gong being hit by gunshots from a 2km range.
- The ranges are not a community recreation, sporting facility or tourist attraction. They cater for an extremely niche section of society, those who are licensed to shoot high calibre rifles nd those who can afford to do so. The ranges will lessen access to recreational and sporting opportunities as it will restrict the use of the hills for walking, biking, horse riding and the like.
- The ranges are incompatible with the existing businesses in the area and are having a negative effect on the local economy.
- The ranges are detrimental to and incompatible with, the character and amenity of the area and local landscape. Eskdalemuir is a wild and peaceful place, teeming with wildlife. It is characterised by forestry and farming, by its historical and archaeological features – the Iron Age hill forts and stone circles (one of the highest concentrations in the country). Planning policy states that developments should protect and/or enhance the character, appearance and setting of the region’s rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area. They should respect, protect and/or enhance the region’s rich landscape character, and scenic qualities. The developments are unsympathetic to the character, appearance and setting of Eskdalemuir. They do not respect, protect or enhance the landscape character or scenic quality of Eskdalemuir, which is home to a creative community of artists, writers and musicians.
- Eskdalemuir valley is home to a large, peaceful Buddhist community of lay people alongside the Monks and Nuns of the Tibetan Buddhist Centre of Kagyu Samye Ling. Samye Ling is one of the most visited tourist attractions in Scotland, with people coming from all over the world to visit, to attend retreats and to learn meditation and mindfulness. Many veterans and people with mental ill health also come to Samye Ling, to seek help and live a quieter life whilst convalescing. Local businesses and accommodation providers cater to those seeking a peaceful stay. Therefore the development proposals are shown to conflict with nearby land uses.
- A shooting range would never be allowed next to a cathedral or church.
- The many small businesses in the area offer accommodation and holistic therapies to cater to the Buddhist and visiting communities, which also include walkers, cyclists and those who appreciate the peace and unspoilt nature of the valley. It conflicts with and will adversely affect their businesses.
- Both developments have been built and run without planning permission.
- Ask that the applications be treated as a “major developments” on the grounds of their size, and mention the application does not cover the full scale or size of the proposed range.

- The two duck ponds, built recently by Clerkhill Farm to facilitate duck shooting are not included in the application and should be.
- Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety. Visitors to the range are coming from all over the UK and abroad, therefore are not using sustainable transport. Furthermore, the roads around Eskdalemuir are already in poor condition, are narrow and are used by many heavy vehicles transporting timber.
- As for Development sustainability, the RSPB acknowledges driven game shooting as environmentally damaging and unsustainable furthermore it says that it contributes to the illegal killing of birds of prey. Millions of non native pheasants are released each year and lead ammunition contributes to ecological emergency.
- Scottish Land Rights and Responsibilities which stresses the need for landowners to be transparent in the use and management of land, making information publicly available, clear and contain relevant detail. That there should be greater collaboration and community engagement in decisions about land. Good stewardship also means being aware that decisions about land can have an impact on many people's lives, including but not exclusive to those of the owner of the land or tenant. That they should consider the public good as well as the good of themselves.
- The objection from The Mindfulness Association on the planning portal describes this well (login to read).

The local development plans state that:

Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. Noise will be a material consideration as will environmental pollution to water or soil. That developments should protect and/or enhance the character, appearance and setting of the region's rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area. They should respect, protect and/or enhance the region's rich landscape character, and scenic qualities. Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety. Should promote sustainable development. Should maintain or enhance water quality.

In addition:

SPIRITUAL - The peaceful Eskdalemuir Valley has been home to the internationally renowned Samye Ling Monastery and Tibetan Buddhist Centre since it was established in 1967. With a resident community of some 50 monks, nuns and lay people, it is also the spiritual home for countless others who regularly gather to attend teachings as well as ceremonies to pray for world peace.

CULTURAL - One of the most visited tourist attractions in Scotland, every year Samye Ling welcomes thousands of visitors of all faiths and walks of life. From families, school groups and students to Inter-Faith groups and recovering ex Service men and women, all are welcome to enjoy the beautiful temple, contemplative Peace Gardens and the restorative benefits to physical and mental health of its natural environment.

ENVIRONMENTAL - Alongside it's wild and natural beauty, the most precious quality of the Eskdalemuir valley is the peace and quiet, which make it a haven for wildlife and for people seeking respite from the stress of modern day life, now more than ever after Covid-19.

The proposed developments in the area would be in direct conflict with all the above resources, nearby land uses, religious and peaceful activities on the following grounds:

NOISE POLLUTION High velocity shooting ranges would destroy the peace of the environment, cause distress and detrimentally affect the activities and health of residents, visitors and wildlife.

EARTH POLLUTION The areas where shooting is taking place becomes littered with spent gun cartridges made of plastic, lead and other metals which pollute the soil and harm life.

WATER POLLUTION Pollution of water sources by lead shot used for pheasant and duck shooting and the ammunition used in the high calibre, military weapons is toxic.

Therefore I urge the planning department not to grant permission for these shooting ranges which are so damaging to the area's peace and quality of life.

Yours sincerely,

REDACTED

ATTACHED RESPONSE TO DOCUMENT 15

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100182317
Your Reference: Clerkhill and Cassock ranges planning requests
1 April 2021

Dear REDACTED

Thank you for your email of 14 March 2021 to the First Minister regarding your concerns surrounding the planning proposals for rife ranges near Eskdalemuir. I have been asked to reply.

I acknowledge your concerns. As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some use.

The primary responsibility for dealing with planning applications and local planning matters rests with Dumfries and Galloway as local planning authority. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. The planning system includes provisions for communities to contribute views about proposals which may affect them. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

Both applications have been registered as local developments. I understand that the Council has received a significant volume of objections, raising concerns regarding the proposals and also querying the Council's acceptance of the applications as local development. The Council may seek its own legal advice in regard to this.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

I hope this is helpful.

Yours sincerely
REDACTED
PAD : Planning Performance

DOCUMENT 16 - E-MAIL TO SCOTTISH MINISTERS DATED 14 March 2021

-----Original Message-----
From: REDACTED
Sent: Sunday, March 14, 2021 12:38 AM
To: Scottish Ministers <Scottish_Ministers@gov.scot>
Subject: High calibration weapons, US Military and breeding to kill in peaceful Scottish valley - request for support to oppose plans

What price for peace?

> Dear Ms. Sturgeon,
> Dear Patrick Grady,
> Joan McAlpine, Finlay Carson, Emma Harper, Colin Smyth
>
> 15.3.21
>
> I write to you to offer support for the quest to mitigate any potential harmful impacts of the US Military rifle and high calibre weapons Training and shooting range that has been started without permission, beside probably the most beautiful Monastery in this country, in Eskdalemuir.

> I strongly object to its development and request your support that all planning applications for such, be rejected.
>
> I am a regular visitor to Dumfries and Galloway, where I attend the Kagyu Samye Ling Tibetan Monastery and Centre for World Peace and Health, for the purposes of practising my religion, and cultivating a loving presence in myself. This enables me to carry out my frontline work for the NHS, as a REDACTED . My role can be quite intense, particularly at the moment during the covid-19 pandemic, and I am longing for the time when I can again retreat to the countryside, to open to the peace that is both within, and available for all beings; human, animal and bird life, when visiting and staying at Samye Ling Monastery.
> I am an Ordained Buddhist in a different tradition from the Kagyu Samye Ling Buddhists, yet across the country and the world, we have great reverence, respect and gratitude for what has been created, and is being developed, with respect to the inner/personal, as well as the local and global environment, as a result of Samye Ling's peaceful existence in Eskdalemuir.
>
> Many thousands of people from the Buddhist Community to which I belong, are devastated to hear of the (retrospective), Planning Application and consideration to allow and enable a change of land use and associated major planning applications, that have been submitted to Dumfries and Galloway Council, by the Gardner's Gun shop in Carlisle and the consultation with an English Building Contracting Co., REDACTED Regulation 10 (5) (f) – third party interests. , who seem to be quite far forward with their plans, and some of us have voiced our support via a petition which was shared on Social media, advising of the above.

> I observe that the Community Councillor, REDACTED , was given very little notice to consult, and/or assess the potential impact of the official planning application to be made - 3 weeks in total (22nd Feb - 15th March, originally), and indeed not only plans, but activities, including repeated use of machine guns and other weapons, have been in use without permissions already.
>
> Worldwide, Buddhists would like to offer our support to the resident community at Samye Ling, and indeed Eskdalemuir residents, to strongly object to this "one of many", proposed (and existant), shooting ranges in the area, if simply because it is one of many. Samye Ling is unique in the world, and its importance can not be understated, nor can it risk being compromised by such a short-sighted and ill-considered plan to locate a centre involved in "sporting" activities which involve prolonged machine gun fire, and training in the use of high calibre weapons.
>
> The principle of non-harm, and the practice of loving kindness and reverence for life, is , and has been, the most important training principle and practice for all Buddhists

everywhere, for the past 2600 years, and the concept of breeding and killing ducks/pheasants/any living being, or training in the use of guns and other military equipment is as abhorrent as it is heartbreaking, for us. We wish, and give our lives to the practice of developing, peace for all living beings and will do what we can to support this.
>
> Would you be willing to let me/us know what, if any other support we might offer, to safeguard this precious resource, from obtrusive noise, and the deliberate and ultimate harm of taking another being's life, as "sport", and advise of any progress that the the Scottish Government make, to this end, to maintain peace in the valley?
>
> With much gratitude for your support,
> REDACTED
> Above all, be gentle with yourself ❤️

ASSOCIATED RESPONSE TO DOCUMENT 16

DIRECTORATE FOR SAFER COMMUNITIES

REDACTED
Our Reference: 202100182372

31 March 2021

Dear REDACTED

Thank you for your email of 15 March 2021 to the First Minister regarding proposals to develop shooting ranges in Eskdalemuir. Your email has been passed to the Scottish Government Safer Communities Directorate and I have been asked to reply.

I can fully appreciate that this is a very sensitive issue for the Buddhist community, and indeed for all visitors to the Samye Ling Monastery. I Would also like to thank you for your frontline work supporting the NHS at this difficult and essential time.

You have mentioned the development of a US Military training range, however it may be helpful if I clarify that I am not currently aware of any plans for a military, police or any other type of training facility in Eskdalemuir. I understand from local police that the only proposed developments are by two private target shooting clubs, which have submitted applications to develop new ranges to the Local Authority. These ranges are still only at the planning stage, and are not currently approved for use. Dumfries and Galloway Council are considering planning permission, and Police Scotland are
also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

The Scottish Government does not have a role in approving land for use as a shooting range. The Local Authority and Police Scotland are the organisations with oversight for matters like this. You have asked what you can do to oppose shooting in Eskdalemuir - I would suggest that you should raise your concerns about the proposed developments with Dumfries and Galloway Council directly,

as it will be their decision whether to grant planning permission or not. You may also wish to write to your local MSP about this issue.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.
Yours sincerely
REDACTED
SCD : Building Safer Communities

DOCUMENT 17 – E-MAIL COPIED TO CHIEF PLANNER – DATED 14 MARCH 2021

From: REDACTED
Sent: Sunday, March 14, 2021 9:24 PM
To: planningrepresentations@dumgal.gov.uk
Cc: REDACTED MULTIPLE @dumgal.gov.uk; chiefexecutive@dumgal.gov.uk; @dumgal.gov.uk; Joan.McAlpine.msp@parliament.scot; oliver.mundell.msp@parliament.scot; Chief Planner <Chief.Planner@gov.scot>; @dumgal.gov.uk; @dumgal.gov.uk; @dumgal.gov.uk; colin.smyth.msp@parliament.scot; michelle.ballantyne.msp@parliament.scot;

emma.harper.msp@parliament.scot; brian.whittle.msp@parliament.scot; claudia.beamish.msp@parliament.scot; paul.wheelhouse.msp@parliament.sc; david@davidmundell.com; Ash.Denham.msp@parliament.scot
Subject: High Velocity Rifle Ranges in Eskdalemuir

Dear REDACTED

Dear Councillors and Members of Parliament copied into this mail,

I am REDACTED .

I write with regards to the applications for two high velocity shooting ranges proposed near our monastery, about which there has already been much publicity. Please kindly see the attached letter.

Sincerely

REDACTED

ATTACHED LETTER TO DOCUMENT 17

Dear REDACTED, 14 March 2021

20/0630/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM RIFLE RANGE AND ERECTION OF ASSOCIATED BUILDING (RETROSPECTIVE) | Over Cassock Langholm
20/2013/FUL CHANGE OF USE OF AGRICULTURAL LAND TO FORM TARGET SHOOTING RANGE, TRAINING CENTRE AND CAR PARKING AREA (RETROSPECTIVE) Clerkhill

I am REDACTED
.
I write with regards to the above applications:

1) To strongly object to the reversal of the Dumfries & Galloway Council's ("the Council's") correct decision that application 20/0630/FUL constituted a Major Development.
2) To highlight the Council's duties under the Equality Act 2010 & Human Rights Act 1998
3) To object to any grant of planning permission for the above developments on the basis that they fail to comply with the Dumfries & Galloway Local Development Plan (2013) ("the LDP")
4) To highlight that, notwithstanding the need to consider the above developments Major Developments, the Council has a duty to ensure that the developments are properly consulted on, which cannot be done until the Applicant has provided adequate information on the proposed developments.

Major Development

I note the letter dated 3 February 2021 from the Council to the Applicant relating to application 20/0630/FUL, correctly stating that, as the scale the area over which live firing will take place is indicated at approximately 8.9 hectares, under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, applications for planning permission on land in excess of 2 hectares constitute “Major” development and are subject to a number of statutory requirements including a period of pre-application engagement with communities.

> *“02. the proposed change of use should cover all land over which firing is taking place and therefore the individual target areas shown require to be encompassed within one larger area, extended to the edge of the area fenced off for the purposes of shooting, as without this larger area the site cannot operate as a shooting range. “*

The letter concludes that, as the proposal is a major development the Council cannot undertake determination of this application and it should therefore be withdrawn. This is correct.

However, following subsequent email correspondence between REDACTED and REDACTED of the Council (dated 17 February 2021) the Council has been convinced by the Applicant’s unconventional method of measuring the site (namely that the site only extends to the area within the firing arc, the targets and the building. As such, the Council has reversed their earlier decision and reclassified the application 20/0630/FUL as “local” rather than “major”. The consequence of this is that it no longer requires the same level public pre-application consultation.

However, such a Damascene conversion does not represent a legal exercise of the Council’s discretion. This calculation of hectarage is itself irrational (in public law principles) but is also inconsistent with the manner in which the site size has been calculated for the parallel application 20/2013/FUL . Here, in a letter dated 1 February 2021 (which does not appear to have been reversed), the Council reached the correct conclusion, namely that *“the proposed change of use should cover all land over which firing is taking place and therefore the individual target areas shown require to be encompassed within one larger area.”*
A rifle range of this nature cannot operate without the substantial range corridor, any more than an airport can operate only on the land only allocated for runway tarmac.

The practical consequence of the siting and operation of the new target range will be to effectively sterilise the wider site over an area of at least 2 Hectares, an area supported by the Applicant’s own claims in social media. The Council has been provided with advertising material in which Gardners Guns are already advertising a shooting event planned to take place "over 5 to 8 miles" with "stages all over the estate". This finding of fact is also supported by the safety assessment document appended to the Clerkhill application, purportedly from US Airforce, refers to an area of 225 acres (approximately 91 hectares).
If the Council continues to force through this application as ‘Local’ in circumstances where it is, on the facts, clearly a Major Development, they should expect legal action to be taken against this clearly illegal decision.

Duty under the Equality Act 2010 and Human Rights Act 1998

The internationally renowned Kagyu Samye Ling Monastery and Tibetan Buddhist Centre was the first Buddhist centre to be established in the West (in 1967) and has subsequently been inaugurated by His Holiness the Dalai Lama. With a resident community of around sixty, composed of monks, nuns and lay people, it is also the

spiritual home for countless international Buddhists who regularly gather to attend teachings as well as ceremonies to pray for world peace. It is, in short, one of the most important Tibetan Buddhist religious sites in the Western world.
The Council will be aware that 'Religion and Belief' is a protected characteristic under the Equality Act 2010, as well as being listed in the Human Rights Act 1998. This means that any persons with a religion or belief are protected when in contact with government departments. This includes planning.

The two areas in which this duty is at risk of being breached by the Council are as follows:
Indirect Discrimination
The Council will be aware that this occurs when a policy that applies in the same way for everybody, disadvantages a group of people who share a protected characteristic, and they are disadvantaged as part of this group. If this happens, the person or organisation applying the policy (in this case the planning department) must evidence that there is a good reason for such a course of action.

In this instance, it is inconceivable that planning permission would be granted for a shooting range within extremely close proximity of a major Scottish cathedral or close to one of major the holy Christian communities. It is not realistic to suppose a shooting range of this nature would receive planning permission on Iona, and certainly not within earshot of the Abbey, for example. It would be recognised that to do so would fundamentally undermine the religious community.

However, in relation to Kagyu Samye Ling, this is exactly the effect that will occur if planning permission were approved. This is known because, despite operating illegally, the Sites are operational in the fashion they intend to operate if permission is granted. The severe impact already felt by the community, its services, devotions and members. <u>To grant planning permission for the above developments so close to the site of Samye Ling would therefore be to severely interfere with the protected characteristic of religion under the Equality Act 2010 and Article 9 of the European Convention of Human Rights (as given effect under the Human Rights Act 1998).</u>

Section 149 Equality Act
Under section 149 of the Equality Act, public authorities must, in the exercise of their functions have due regard to the interests. The Council may be familiar with the case of *Buckley, R (on the application of) v Bath and North East Somerset Council & Anor* [2018] EWHC 1551 (Admin) which involved a failure by the defendant Council to have due regard to the public sector equality duty, as required by section 149. Here the court found that this duty does apply to the function of granting planning permission. In this case the defendant council failed to have due regard to the impact on the elderly and disabled persons of granting an application which might lead to the demolition of their existing homes. Whilst based in England law, the conclusions are relevant here.

<u>In short: if there are matters relevant to the discharge of the public sector equality duty which the relevant decision-maker fails to have due regard towards, then this will be a failure to discharge their duty imposed by section 149 of the 2010 Act.</u>

<u>It is difficult to consider a situation where the duty could be failed more starkly than to allow a 2 mile long commercial sub-machine gun range offering international shooting competitions adjacent vicinity to one of the most internationally important Buddhist centres.</u>

A separate complaint will be made to the Scottish Public Services Ombudsman if these matters are not taken into account in the planning decision.

Calibre of weapons used and intensity of operations

Weapons calibre
The proposed use of the site is set out clearly in the letter dated 30 August 2019 from REDACTED , USAF Commander, which states that the MK17CAR and M20SSR are approved rifles for the range.
It is important to understand the nature of these extraordinary weapons.
Both are Special Operations Forces Assault Rifles.

- The MK17CAR is fires the powerful 7.62×51mm NATO from proprietary 20-round magazines
- The MK20SSR is a semi-automatic Sniper Support Rifle based on the SCAR-H. It includes a longer receiver, a beefed-up barrel extension and barrel profile to reduce whip and improve accuracy, and an enhanced modular trigger that can be configured for single-stage or two-stage operation together with either a folding or a non-folding precision stock.

The use of such loud, high velocity and extremely dangerous weapons must, at the very least, be fully assessed through a comprehensive noise and security assessment, as well as through a consideration of the environmental impacts (both in terms of noise and cartridge waste) caused by the use of these weapons of war in this tranquil valley. It should be highlighted that, as Police Scotland has recognised, the use of these weapons on either site is currently illegal.

Intensity of Operations
The paucity of information submitted with the applications is notable in many respects, but is particularly concerning in respect of the proposed intensity of operations. No details are given in the Applications as to expected visitor numbers or event occurrences, save what can be construed from ten parking spaces, 1 or 2 WCs and the 'training centre' size. However, this infrastructure strongly contradicts the stated extent of the proposed operations.

In an email dated 21 January 2021, the Applicant states their intention to host the world long distance shooting competition, which *"would see competitors from European and USA military and law enforcement on the KM Clerkhill Range."*
This is in addition to the planned use of the site by USAAF special forces, if permission is granted.

Furthermore the letter from Solid Solution Designed (date redacted) states that the site is and would be used for *"groups of international shooters and/or our law enforcement training"*. Planning approval *"absolutely increase our training and business development possibilities."*
It is not clear how such an intensification of use is compatible with an application for a 10 place carpark, a 191m range building and a 2,700l (4 person) septic tank and a single toilet (as shown on the Floor Plan Elevations Section Site Plan) for 20/2013/FUL.
Such use is clearly indicative of a Major Application, and cannot be fully assessed without the accompanying material (noise, environmental and detailed operating specifications) associated with such applications.

Planning Policy
All planning applications should be decided on the basis of land allocations and policies within the Dumfries and Galloway Local Development Plan 2 (LDP2) (2019). All policy references are to the LDP2 unless otherwise stated. In the absence of any Planning

Statement submitted with the application, it is unclear which, if any, policies the Applicant is claiming the developments accord with.
However, not withstanding the procedural and public law objections to the manner in which these applications are being dealt with, for the reasons set out below, it is clear that the two developments fail to comply with the relevant policy and cannot be made acceptable in planning terms.

General Amenity

> *Policy OP1: a) General Amenity*
> *Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The following issues which may result from the development will be a material consideration in the assessment of proposals: • noise and vibration; • odour and fumes; • potential loss of privacy, sunlight and daylight on nearby properties; • emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air, or soil; and • light pollution.*

The proposals are in no way compatible with the character and amenity of the area, and in particular the Samye Ling Monastery, the other local businesses and communities negatively impacted by the developments' noise, as well as the existing Bridleway that runs around one of the sites.

The key amenity of the area at present lies in its tranquillity, and its status as the home of a globally recognised centre for peace, spiritual, mental and physical wellbeing, visited by more than 20,000 people each year. The monastery has a resident community of around sixty, composed of monks, nuns and lay people, it is also the spiritual home for countless international Buddhists who regularly gather to attend teachings as well as ceremonies to pray for world peace.
It should be noted that the Monastery has spawned a wider community who have choose to make their life here, as well as those who visit to seek peace and solace in this natural beauty. These developments would also undermine the local communities aspiration to develop the area as a location for nature based tourism and peaceful outdoor recreation. Many veterans and people with mental health issues come to Samye Ling as well as walkers, cyclists and those seeking peace.

<u>All of the above uses are, by their nature, especially sensitive to invasive noise such as gunfire and will create a severe impact incompatible with this policy.</u>
The illegal operation of the development is already creating severe noise impacts, as well as creating emissions in the form of plastic cartridge waste, so such impacts can be considered certain.
Given the high intensity of the operations, it is extremely concerning that no noise impact assessment has been undertaken (more below), and that no consideration has been given to proposed operating hours or controlling visitor numbers.

This makes it impossible to comment on the true extent of the noise, light and other pollution once the site is fully operational. In the absence of any noise, planning, environmental or design assessment the Council is in no position to reach a conclusion that there will be no unacceptable impact in these areas.
However, given the amenity impact already caused by the illegal operation of the site in 2020, a severe and sustained future impact is certain.
Impact on Bridleway and access
The Application for 20/2013/FUL states that there will be no proposed changes to public paths, public rights of way and public rights of access. However this fails to take account of the Bridleway that runs around the perimeter of the Site. The use of firearms at such close range is entirely incompatible with the continued use of the Bridleway, and will

effectively make unsafe and unusable for its legal purpose. It will also make any access to the valley on foot impossible.

Historic Environment

Policy OP1: b) Historic Environment

Development proposals should protect and/or enhance the character, appearance and setting of the region's rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area […].

As well as being an area of traditional moor and woodland, Eskdalemuir Valley has been home to the internationally renowned Samye Ling Monastery and Tibetan Buddhist Centre since it was established in 1967. This is, therefore, part of the regions historic environment. For the reasons set out above, the installation of high velocity firing ranges in such close proximity is entirely incompatible with the character, appearance and setting of the region and does not therefore comply with this policy.

Landscape character, Biodiversity and Geodiversity

Policy OP1: c) Landscape

Development proposals should respect, protect and/or enhance the region's rich landscape character, and scenic qualities, including features and sites identified for their landscape qualities or wild land character as identified on the 2014 Scottish National Heritage map (or any subsequent revised or amended map) of wild land areas. They should also reflect the scale and local distinctiveness of the landscape. The detailed guidance set out in the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.

Policy OP1: d) Biodiversity and Geodiversity

Development proposals should respect, protect and/or enhance the region's rich and distinct biodiversity, geodiversity and sites identified for their contribution to the natural environment at any level including ancient and semi-natural woodland […]

The proposed developments are detrimental to and incompatible with the character and amenity of the area and local landscape. Eskdalemuir is a tranquil parish characterised by forestry and farming, and this tranquillity and calm are a central landscape quality.

It is noted that – in keeping with the general approach of the applications – no attempt has been made to assess any impact on the landscape, or indeed the rich historical and archaeological heritage of the area. These include Iron Age hill forts and stone circles (one of the highest concentrations in the country).

It is also noted that no Habitat Survey has been submitted with the application, notwithstanding the fact that the activity proposed for the site is likely to have a severe impact on the biodiversity of the woodland and moorland due to noise and other disturbances, as well as the pollution and damage caused by the rifle use and transport around the site.

In the absence of any environmental assessment of the impact of this extremely large scale development or any attempt to mitigate this impact, it is clear that the applications are not compatible with this policy and should be refused.

However it is clear even from the information available that the developments are unsympathetic, both in terms of structures proposed and use, to the appearance, character and setting of Eskdalemuir. Nor do they protect or enhance the landscape character or scenic quality of the area. They are therefore, incompatible with this policy.

Sustainability

Policy OP1 f) Sustainability

Development proposals should limit the impacts of climate change, support resilience, and promote sustainable development by: • assisting the development of the local economy through sustainable economic growth; • minimising adverse impacts on water, air and soil quality; […]

The Applicant is keen to highlight that the development will have economic benefits. It is unclear to what extent these will extend beyond the direct benefits to the applicant. What is clear, however, is the damage that the proposed development will do to the existing sustainable economy.

Whilst there may be some ancillary trade for hotels and local businesses associated with the large events proposed for the site, this will be at huge cost to the extremely sustainable tourist industry already in place in the valley.
Given the current attraction of the valley it is more likely that a significant amount of employment would be lost as those tourists who hitherto sought the area for its tranquillity were forced away. The objection submitted by the mindfulness Association (undated) is noted, which states "*A firing range is incompatible with the activities and philosophies of Samye Ling Tibetan Buddhist Centre. Their activities are peaceful, therapeutic, meditative and mindful, which provides the perfect environment to support our students in their meditation practice. Many of our students have emotional and mental health issues, including chronic stress, anxiety, depression and PTSD. They come to Samye Ling to find healing from the stresses and strains of their daily lives*."

One of the most visited tourist attractions in Scotland, Samye Ling hosts thousands of visitors of all faiths and walks of life. From school children and students to Inter-Faith groups and recovering ex Service men and women. All are welcome to enjoy the art and atmosphere of its beautiful temple, contemplative Peace Gardens and the restorative benefits to physical and mental health of its natural environment. All these will be destroyed by the proposals as the sites cannot operate without undermining freedom of access and having a major impact on the characteristic of an area noted for its peacefulness.

Design Quality

Policy OP2: Design Quality and Placemaking

Development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness. Where relevant proposals should: • relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area and in so doing be sympathetic to the local built forms as well as respecting the important physical, historic and landscape features of the site and its vicinity; • be designed with people, not vehicle movement, as the primary focus, incorporating the principles set out in 'Designing Streets' and where possible increase connectivity to nearby places, paths, streets and open spaces; • ensure that any open space required is of high quality, appropriate and integrated to the development and where possible provides linkages to the wider green network; • incorporate a hard landscaping and planting scheme which includes the proposed treatment of existing trees and other landscape features; • be designed to create safe, accessible and inclusive places for all people which are well integrated into existing settlements and respect the established historic layout and patterns of development, that are also adaptable to future changes; • integrate sustainable energy and design measures.

Whilst the design of the units attached to the site are not the largest problem with the development, it is noted that they are of minimal design quality and fail to align with any of the criteria set out in Policy OP2, above. It is also noted that the only access to the site is by private car and no consideration has been given to the possible congestion or traffic impact of the large scale events proposed on the narrow access roads.

Trees

Policy NE8: Trees and Development

> *"In assessing development proposals, the Council will support proposals that: • promote additional tree planting; • protect and enhance ancient woodland sites; • maintain trees, woodlands (in particular ancient and semi-natural woodlands), and hedgerows (thereafter referred to as the 'woodland resource') and require developers to incorporate, wherever feasible, the existing woodland resource into their schemes; • encourage planting of a type, scale, design, composition and species mix that is appropriate to its locality and appropriately incorporates the woodland resource into the overall design of the scheme; and • show how existing trees will be appropriately protected during the construction period.*
> *In submitting development proposals, details should be provided of the arrangements to be made for the long term maintenance of both the existing woodland resource and any proposed new planting, including providing adequate room for further growth."*

Somewhat incredulously, application 20/2013/FUL states that there are no trees on or adjacent to the application site. Given that the majority of the range corridor falls within forest plantation, and on land owned by Eskdalemuir Forestry Limited, such a perverse conclusion can only be reached by the untenable claim that the application only cover the minute area directly around the targets. The reality is that there will be a significant impact on the existing woodland through which the rifle shooting will take place.

Whilst the shooting activities may not involve the direct destruction of trees (although this cannot be ruled out by way of damage through gunfire), it is highly like that the woodland habitat and ecology will be severely degraded by its used as a rifle range used for both recreational and professional training.

Once again, in the absence of any environmental statement it is clear that no effort will be made to mitigate this severe damage, and the development is therefore in breach of this policy.

Waste Management & Waste Water Drainage

Policy IN6: Waste Management Requirements for New Development

> *Any planning application which in the view of the Council requires to address the issue of waste should be supported by a Site Waste Management Plan* […]

Policy IN9: Waste Water Drainage

> […]*. Where there is no public sewer as defined in the Sewerage (Scotland) Act 1968, a private system may be acceptable where: • it does not pose or add to the risk of detrimental effect, including a cumulative effect, to the natural and built environment or surrounding uses; and • the discharge to land (either full soakaway or raised mound soakaway) compatible with the Scottish Building Standards Agency Technical Handbooks must be explored prior to considering a discharge to surface waters; • the sewage treatment and effluent disposal system is capable of being authorised by SEPA in accordance with the requirements of The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended)*

The Application states that waste will be privately collected and stored at a local farm. This does not amount to a Waste Management Plan. Furthermore, there is no consideration of how the large number of discarded cartridges associated with the activity

on site and the pollution caused by these will be managed. Waste management has not, therefore been adequately considered.
There is, therefore, no compliance with Policy IN6.

In terms of Waste Water Drainage, the Application states that private drainage arrangements will be made in the form of a new/ altered 2,700 litre septic tank with discharge to land via a soakaway (20/2013/FUL). However no details have been provided as to how this will be managed safely without causing water pollution. Neither a Flood Risk Assessment nor any Drainage Impact Assessment has been submitted with the Application
Furthermore, these extremely small septic tanks (similar provision is made for 20/2013/FUL) are entirely incompatible with the proposed use of the site for international competitions. As such, there is a clear risk of detrimental effect, including a cumulative effect, to the natural environment in the form of water pollution.
Once again, the absence of any meaningful detail or assessment makes it impossible to evaluate the extent of the impact, and there in inadequate information to each a conclusion on this matter. However, on the facts available there is no compliance with Policy IN6.

Location and Accessibility

> *Policy OP1: e) Transport and Travel*
> *Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety.*
> *Policy T2: Location of Development/Accessibility*
> *All development proposals will be expected to: • prioritise personal travel by mode in the following order: walking, cycling, public transport and lastly car and other motorised vehicles; • be well served by the most sustainable modes of travel available and provide opportunities for a modal shift from private car use to more sustainable transport, including active travel, wherever possible; • give consideration to the provision of electric vehicle charging points, and other infrastructure that may be required to support other sustainable power sources, as part of the development; • fit with the policies and recommendations of the Local Transport Strategy.* […]

The Applications are notable for complying with absolutely none of the criteria in either Policy OP1 and T2. They are solely accessible by private car, with no access by any other method, no charging points and no attempt to utilise sustainable power sources. This cavalier approach to the planning system and disregard for the need to comply with policy at any level is characteristic of this development.

Noise Impact

Planning Policy Note 1/2011: Planning and Noise states:
"4. Unwanted noise can have a significant impact upon environmental quality, public health and amenity. It is important to be aware of the sources of noise in the environment in order to minimise or prevent its effects. […] *The Environmental Noise Directive (END) describes environmental noise as "unwanted or harmful outdoor sound created by public activities* […]*" (Directive 2002/49/EC, article 3). It focuses on the impact of such noise on individuals and serves to prevent noise levels that would endanger the health and quality of life of any person."*
The note goes on to list the following issues which may be relevant when considering noise in relation to a development proposal as include:
"– Type of development and likelihood of significant noise impact,
– Sensitivity of location (e.g. existing land uses, NMA, Quiet Area),
– Existing noise level and likely change in noise levels,

– Character (tonal, impulsivity etc), duration, frequency of any repetition and time of day of noise that is likely to be generated, and
– Absolute level and possible dose-response relationships e.g. health effects if robust data available."
It is clear from the operation of the sites throughout 2020 that the noise from this development will and current does endanger both the health and quality of life of many people, including those with protected characteristics under the Equality Act 2010 (above).

Yet, notwithstanding the severe and sustained impact of the development, no noise impact assessment has been undertaken for either proposal, notwithstanding the finding of the Environmental Heath officer (in respect of application 20/2013/FUL) that *"should the development be permitted that noise complaints from the occupants of existing dwelling houses may be justified under Section 79(1)(g) of the Environmental Protection Act 1990, having regard to the proximity of existing housing in proximity to the proposed development and the ability of shooting noise to travel in the environment."*

The response goes on to state that, *"a noise assessment* […] *should be undertaken by a suitably competent person (confirming to the relevant reporting standards) to confirm that the rated noise levels at the proposed properties will not be such to cause an adverse or significant adverse impact with regard to indoor and outdoor spaces. Reference should be made to the World Health Organisation's Guidance such as Clay Target Shooting: guidance on the Control of Noise as published in 2003 with respect to the measurement and decay of instantaneous noise such as gunshot."*

It is noted that no response has yet been received from Environmental Health regarding application 20/0630/FUL, however many of the issues are likely to be the same.
So severe is the noise pollution from the site at present (which, it is clear is not the intended full capacity), that in the objection submitted by the Director of the Mindfulness Association (date redacted) in reiterated in relation to application 20/0630/FUL namely, "*noise pollution, according to the Environmental Protection Act 1990, s79, (1)(g) and (g a) exists 'when noise becomes prejudicial to health or a nuisance'. We argue that a Statutory Nuisance under the Environmental Projection Act 1990 s79 will be experienced by our students, in particular those who are vulnerable, when attending retreats at Purelands and at Samye Ling."*
Whilst the commissioning of such a report is welcomed and necessary, it is important that any report takes specific account of the type of shooting taking place on the site(s) and the intensity and volume of these, as the weaponry generally used for clay pigeon shooting differs significantly from the sub-machine gun assault rifles used here.
Even in the absence of a noise report it is, however, clear that the noise levels are and will remain unacceptable and for this reason alone the developments cannot be considered acceptable, and if the development was to be consented, would trigger action under the Equality Act 2010.

Duty to Consult and Incomplete Application
Both developments have been built and operated during 2020 without planning permission.
Scottish Land Rights and Responsibilities Stresses the need for landowners to be transparent in the use and management of land, making information publically available clear and with relevant details. There should also be a greater collaboration and community engagement in decisions about land. None of these recommendations have been followed. Conversely, there has been a deliberate underplaying of the extent of the development, both in terms of the site area submitted and also the facilities proposed. The large scale events provisionally confirmed for the site can only be operated on a

significantly larger scale, with significantly more infrastructure and impact than that currently stated to be required on the application form. Since the Applicant's intention to run these events is clear, further infrastructure, parking and facilities must clearly be planned.

However, notwithstanding the fact that the site has effectively been operational for over a year, it is understood that the Community Council has yet to receive any formal consultation request and it is noted from the material currently published on the Council's website that the majority of statutory consultees who would be expected to comment on this application have yet to respond.

The Council will be aware of its statutory responsibilities to consult on planning proposals, and such a consultation must take place across a timeframe and with the relevant information published which allows for meaningful consultation.
Until the Applicant has provided the comprehensive noise assessment required by Environmental Health, adequate plans and details of the extent of activities proposed on the site (consist with the advertised use of the site), and a comprehensive environmental assessment, the Council is simply not in a position to consider that the development has been properly consulted upon, or make their own assessment of its planning impacts.

Next Steps

The Council is urged to comply with its legal duties in respect of these Applications and conduct the process in a full, legal and transparent manner, mindful of its obligations under the Equality Act 2010 and the Human Rights Act 1998.
As a first step, the Council is urged to recognise that it was incorrect to reverse its own findings that Application 20/2060/FUL constitutes a Major Development, and to reissue this letter, based on the correct measurement of the Sites' size.
The Council is also urged to require the Applicant, or to commission themselves sufficient information to ensure that adequate information is in place to make this decision and to allow for sufficient time for these to be consulted on properly.

Conclusion
There are severe procedural and public law flaws in the process conducted by the Council to date, which require urgent remedy if the Council is to conduct a procedurally legal planning process. However, even on the facts available, it is clear that the impact of the proposed developments will be severe and sustained on local communities in the valley, the religious community of Samye Ling Monastery, local habitat and the wider quality of the area.

The development as proposed is incompatible with:
Policy OP1 (a) General Amenity, Policy OP1: b) Historic Environment, Policy OP1: c) Landscape, Policy OP1: d) Biodiversity and Geodiversity, Policy OP1 f) Sustainability; OP2: Design Quality and Placemaking; Policy NE8: Trees and Development; Policy IN6: Waste Management Requirements for New Development; Policy IN9: Waste Water Drainage; Policy OP1: e) Transport and Travel Planning Policy Note 1/2011

On the information as it stands it is clear that this shooting range is unacceptable in planning terms and should be refused.

Your sincerely,

REDACTED

Appendix 1
US Navy Seal with SCAR-H STD (MK17)

https://en.wikipedia.org/wiki/FN_SCAR#/media/File:United_States_Navy_SEALs_177.jpg
US Coalition SOF solider with MK 20 Sniper Support Rifle

https://en.wikipedia.org/wiki/FN_SCAR#/media/File:A_coalition_Special_Operations_Forces_member_fires_his_sniper_rifle_from_a_hilltop_during_a_firefight_near_Nawa_Garay_village_(120403-N-MY805-202).jpg

ASSOCIATED RESPONSE TO DOCUMENT 17

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100182431
Your Reference: High Velocity Rifle Ranges in

Eskdalemuir

30 April 2021

Dear REDACTED

Thank you for your email of 14 March 2021 to Scottish Ministers regarding the planning applications for firing range developments at Over Cassock and Clerkhill. I have been asked to reply, I am sorry for the delay in responding.

I acknowledge your concerns. As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some use. The primary responsibility for dealing with planning applications and local planning matters rests with Dumfries and Galloway as local planning authority.

Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. The planning system includes provisions for communities to contribute views about proposals which may affect them. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

The Scottish Government funds two national charities to deliver mental health advice and services to veterans: Combat Stress and V1P. Both charities aim to have a seamless approach to veterans' mental health working alongside NHS and social care partners to deliver the mostappropriate service to meet need.

I hope this is helpful. Yours sincerely
REDACTED
PAD : Planning Performance

DOCUMENT 18 – E-MAIL DATED 15 MARCH 2021

From: REDACTED
Sent: 15 March 2021 19:17
To: Denham A (Ash), MSP <Ash.Denham.msp@parliament.scot>
Cc: REDACTED @scotland.pnn.police.uk>; @gov.scot>
Subject: Serious Safety Concerns Eskdalemuir

Dear Minister,

A number of safety issues have been brought to the attention of the Eskdalemuir Community Council in regards to the range built at Clerkhill Langholm DG13 0QH. This range is the subject of an application to Dumfries and Galloway Council ref: 20/2013/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM TARGET SHOOTING RANGE, TRAINING CENTRE AND CAR PARKING AREA (RETROSPECTIVE)

These safety issues can be seen in the attachments 'Clerkhill Safety 1 '.

I welcome your assistance in establishing if these issues should be a cause of concern to the Public, Police Scotland and the Local Authority. I would appreciate close scrutiny of the documents by someone in your department with relevant expertise. I have been unable to find any statutory regulations relevant to a 2km rifle range in either the Building Standards Technical Handbook or the Planning and Architecture Guidance from Scottish Government.

On 11 March 2021 documents were delivered to my address and to the address of the Secretary of the Eskdalemuir Community Council. There was no covering letter. I have scanned these printed documents and include them as attachments.

1 Clerkhill Safety 1 - Page of narrative outlining the issues
2 Clerkhill references 2 - list of web site references
3 Clerkhill Safety Map

Included in the pack were printed copies of the documents listed below

Chapter 2 pages 5
Chapter 15 pages 173, 178 of

DSA 03.OME Part 3 Volume 2 - Defence Code of Practice (DCOP) and Guidance Notes for Ranges
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/897841/DSA_03._OME_Part_3_Volume_2__June_20__Updated_Page_22.pdf

and Vol1 Pages 44, 61,62, Vol 2 pages 41,42, 57 Vol 2 pages 170,171,177 and tables on pages 135, 136 Handbook of Police Range Safety Volume 1 Range Management Policy, Responsibilities, Authorisation, Use, Maintenance And Inspection Of Police Ranges
https://library.college.police.uk/docs/acpo/police-range-safety-vol-1-April-2012.pdf

Also included were Plans from the applicant now on Council planning website as well as the USAF Safety document on the web site. I have downloaded and attached these

I welcome you advice and assistance is evaluating as to whether the issues raised constitute a serious risk to community safety as a matter of urgency as the range is advertised for use on 27 March 2021(see attached).

Yours sincerely

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 18

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100184130
Your Reference: For MiCase - Serious Safety Concerns Eskdalemuir
30 April 2021

Dear REDACTED

Thank you for your email of 15 March which was sent to Scottish Ministers regarding the planning applications for firing range developments at Over Cassock and Clerkhill. I have been asked to reply.

I acknowledge your concerns. As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some use.

The primary responsibility for dealing with planning applications and local planning matters rests with Dumfries and Galloway as local planning authority. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. The planning system includes provisions for communities to contribute views about proposals which may affect them. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that

developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

I hope this information is helpful.

Yours sincerely
REDACTED
PAD : Planning Performance

DOCUMENT 19 – E-MAIL OF 10 MARCH 2021 AND RESPONSE OF 17 MARCH 2021

From: REDACTED @gov.scot>
Sent: Wednesday, March 17, 2021 4:12 PM
To: REDACTED
Subject: RE: Request for information on a purpose built College of Policing Training facility Eskdalemuir

Dear REDACTED

Thank you for your email regarding planning applications for rifle ranges in Eskdalemuir. I am aware of these proposals and the concerns which have been raised locally about them. I have tried to provide full answers to your questions below - it may also be helpful if I explain first of all that I am not currently aware of any plans for a police, military or other private security training facility in Eskdalemuir.

As I understand it two existing target shooting clubs (one of which holds Scottish Government approval – see my answer to question 2 below) have submitted planning applications to Dumfries and Galloway Council to develop new shooting ranges in the valley. As it stands neither application has been granted, and police have instructed that no shooting may currently take place. As you will be aware, the planning application is a matter for the Local Authority to consider – I understand that local objections have already been raised by the Community Council, among others. If planning permission were granted then Police Scotland would also have to be satisfied that the ranges were safe, before they could be put into use.

I have answered your specific questions below:

1) Does Police Scotland have any involvement in the development of a College of Policing in Eskdalemuir. If so can you supply and details of the involvement?

You would have to address this question to Police Scotland directly. However, I am not aware of any plans or proposals to develop any sort of police training facility in Eskdalemuir.

2) Has a 2 mile Range been approved by the Scottish Government. If so can you supply dates and details of the nature of such approval?

The Scottish Government does not approve shooting ranges – as set out above, it is a matter for the Local Authority and police to assess whether land is suitable and safe for use as a shooting range.

The Scottish Government does approve target shooting clubs, under section 15 of the Firearms (Amendment) Act 1988. However this approval only applies to club members (for example, it allows members to shoot without requiring an individual firearm certificate) and it is not the same as a range approval. I understand that one of the clubs which has submitted a planning application for Eskdalemuir valley is a Scottish Government-approved club, and the other holds Home Office approval because the club is based in England.

3) Does the Scottish Government have any role in regulating, permitting and inspecting a Private Security Training Centre. If so again can you supply any details?

In general the Scottish Government would not have a role in such a development and, again, this would be a matter for the Local Authority and police. Certain categories of firearm associated with private security (for example machine guns or handguns) are prohibited and would require Scottish Ministers' authorisation to use. I am not aware of any proposals for such a facility at present, and this is not something we have authorised in the past.

I hope that this reply helps to clarify the processes involved, and provides reassurance that all applications are ongoing and nothing has been approved yet (and indeed, to the best of my knowledge many of the rumoured facilities are not being considered at all at this time). I would suggest that you should continue to raise your concerns about the proposals with Dumfries and Galloway Council directly, as it will be their decision whether to grant planning permission, or not.

Kind regards,

REDACTED
Firearms Policy
Safer Communities Division
Scottish Government

From: REDACTED
Sent: 10 March 2021 17:25
To: REDACTED @gov.scot
Subject: Request for information on a purpose built College of Policing Training facility Eskdalemuir

Dear REDACTED

You will doubtless be aware of the planning applications for two rifle ranges in Eskdalemuir which is currently attracting a lot of attention in the media.

Can you please let me know if your department has any knowledge of a proposed **"purpose built College of Policing Training facility"** at Clerk Hill Eskdalemuir. I saw reference to this in Target Shooter Magazine? - see attached.

Also in the Target Shooter article there is reference to "**Scottish Government Home Office Approval for Eskdalemuir 2 Mile Range** " do you have any further information in regards to this? - see attached

The site at Clerk Hill was also described in a planning application as a **Private Security Training Centre.** -see attached

I would be grateful if you could help my community come to understand the nature of these proposed developments which are a cause of considerable concern to many, by answering my list of questions below.

1) Does Police Scotland have any involvement in the development of a College of Policing in Eskdalemuir. If so can you supply and details of the involvement?
2) Has a 2 mile Range been approved by the Scottish Government. If so can you supply dates and details of the nature of such approval?
3) Does the Scottish Government have any role in regulating, permitting and inspecting a Private Security Training Centre. If so again can you supply any details?

Thank you in anticipation of you assistance

Yours faithfully

REDACTED

DOCUMENT 20 – E-MAIL DATED 21 MARCH 2021 TO FIRST MINISTER -

From: REDACTED
Sent: Sunday, March 21, 2021 11:40 AM
To: First Minister <firstminister@gov.scot>
Cc: REDACTED MULTIPLE @dumgal.gov.uk; @dumgal.gov.uk; oliver.mundell.msp@parliament.scot; @dumgal.gov.uk; david@davidmundell.com; oliver.mundeep.msp@parliament.scot; john.McAlpine.msp@parliament.scot; Colin.smyth.msp@parliament.scot; claudia.beamish.msp@parliament.scot
Subject: Samye Ling Monastery, Eskdalemuir Valley

Dear First Minister

I am writing to you in relation to the plans of establishing two high caliber shooting ranges in the vicinity of the Samye Ling Monatery in the Eskdalemuir valley.
As you may know, Samye Ling is a Buddhist Monastery which welcomes monks and members of the general public who go there to meditate and listen to teachings in a peaceful, welcoming and harmonious environment. REDACTED

Having two high caliber shooting ranges in the vicinity of the Monastery is incompatible with the existing peaceful nature of the area and will definitely interfere with all the activities that require a quiet and peaceful environment.

I respectfully ask you to consider not allowing these plans to be acted upon.

Thank you very much.

Best regards
REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 20

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division
REDACTED

Our Reference: 202100184893
Your Reference: Samye Ling Monastery, Eskdalemuir Valley

30 April 2021

Dear REDACTED

Thank you for your email of 21 March 2021 to The First Minister regarding the planning applications for firing range developments at Over Cassock and Clerkhill. I have been asked to reply.

I acknowledge your concerns. As these are live applications, you'll appreciate that I can't comment on their merits, however I hope the following will be of some use.

The primary responsibility for dealing with planning applications and local planning matters rests with Dumfries and Galloway as local planning authority. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise.

The planning system includes provisions for communities to contribute views about proposals which may affect them. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

Scottish Ministers remain clear in their expectation that communities should be actively engaged in the consideration process for planning applications and that developers should communicate openly with communities so that those most affected by development are fully aware of exactly what is proposed.

I hope this information is helpful.

Yours sincerely
REDACTED
PAD : Planning Performance

DOCUMENT 21 – E-MAIL TO FIRST MINISTER DATED 26 MARCH 2021

From: REDACTED
Sent: Friday, March 26, 2021 10:50 AM
To: First Minister <firstminister@gov.scot>
Cc: REDACTED MULTIPLE @dumgal.gov.uk; @dumgal.gov.uk; oliver.mundell.msp@parliament.scot; @dumgal.gov.uk; david@davidmundell.com; oliver.mundeep.msp@parliament.scot; john.McAlpine.msp@parliament.scot; Colin.smyth.msp@parliament.scot; claudia.beamish.msp@parliament.scot
Subject: Samye Ling Monastery, Eskdalemuir Valley

Dear First Minister

I am writing to you in relation to the plans of establishing two high caliber shooting ranges in the vicinity of the Samye Ling Monatery in the Eskdalemuir valley.

As you may know, Samye Ling is a Buddhist Monastery which welcomes monks and members of the general public who go there to meditate and listen to teachings in a peaceful, welcoming and harmonious environment. REDACTED.

Having two high caliber shooting ranges in the vicinity of the Monastery is incompatible with the existing peaceful nature of the area and will definitely interfere with all the activities that require a quiet and peaceful environment.

I respectfully ask you to consider not allowing these plans to be acted upon.

Thank you very much.

Best regards,

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 21

DIRECTORATE FOR SAFER COMMUNITIES
DSF : Safer Communities Division

REDACTED
Our Reference: 202100186629
30 March 2021

Dear REDACTED

Thank you for your e-mail of 26 March 2021 to the First Minister, Nicola Sturgeon, regarding proposals to establish two high calibre shooting ranges near the Samye Ling monastery. I have been asked to reply.

I understand that two target shooting clubs have submitted applications to develop new shooting ranges in the Eskdalemuir valley and that these proposed developments have attracted some local media attention. It is perhaps worth emphasising that these ranges are still only at the planning stage and are not approved for use. Dumfries and Galloway Council are considering planning permission and I understand that the Community Council have already raised concerns in relation to the proposals. Police Scotland are also assessing the safety procedures at the sites and have instructed that the ranges may not be used at this time.

I recognise that this is a very sensitive issue for visitors to the temple and the wider Buddhist community. I am also aware of local concerns about the proposed development of shooting ranges in Eskdalemuir. However, the Scottish Government does not play a role in approving land for use as a shooting range. The Local Authority and Police Scotland have responsibility for oversight of these matters. I recommend

that you raise your concerns about the proposals directly with Dumfries and Galloway Council so that they can consider the views of all interested parties when deciding if planning permission for the shooting ranges is appropriate or not.

I am sorry that on this occasion the Scottish Government cannot do more to help, but I hope that this reply is informative and that by raising these matters with the appropriate authorities you can reach a satisfactory resolution.

Yours sincerely
REDACTED
SCD : Building Safer Communities

DOCUMENT 22 – E-MAIL DATED 16 June 2021 AND RELATED LETTERS DATED 20 JUNE 2021

REDACTED

Mairi Gougeon MSP
Cabinet Secretary for Rural Affairs and Islands
The Scottish Government
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG
Mairi.Gougeon.msp@parliament.scot
scottish.ministers@gov.scot

Sunday 20 June 2021

Dear Ms Gougeon

https://petitions.parliament.scot/petitions/PE1874

I am writing to personally ask if you, as Cabinet Secretary for Rural Affairs and Islands, and your MSP colleagues in The Scottish Government, will kindly support legislation to protect Scotland's places of national spiritual importance, from the intrusive and violent sound of gunfire, by creating firearms exclusion zones around these special locations for our country?

25 years on from The Dunblane Massacre[1], one of the darkest events in our country's recent history[2], this Scottish Parliament Petition PE1874[3] has been inspired by the recent applications to develop firearms shooting ranges beside Samye Ling Monastery in Eskdalemuir.

However, such protection would extend to Scotland's wealth of spiritual locations of global, international significance such as:

Dunblane Cathedral[4]

Cathedral of the Isles (Cumbrae)[5]
Pluscarden Abbey, Elgin [6]
St Magnus Cathedral, Orkney[7]
Ring of Brodgar, Orkney [8]
Iona Abbey and Nunnery, Iona[9] [10]
Rosslyn Chapel, Midlothian [11]
Callanish, Lewis (Calanais) [12]
Holy Isle Project, Arran [13] [14]

It doesn't seem reasonable that any new firearms range should ever be approved within 5 miles of an established cathedral, temple, synagogue, mosque, or monastery?

However, there is currently nothing in Scottish Law to nationally prohibit the approval of such firearms ranges close to our places of national spiritual, tourist and cultural importance in Scotland.

Scottish Parliament legislation would guarantee and protect the peaceful environment sought by people visiting or staying at these places and mean they are not subject to the intrusive and violent noise of regular audible gunfire.

As the oldest Tibetan Buddhist Monastery in the western world, Kagyu Samye Ling has attracted international visitors and tourists (the monastery is officially listed as a National Tourist Attraction by Visit Scotland- *who give it 3 stars, no less*![15]) globally to Scotland seeking peace of mind for over 50 years.

There are currently two controversial planning applications by neighbouring landowners to develop shooting ranges beside Samye Ling. As neither site has ever received any previous planning consent, it is reasonable to consider both as new developments. One of the two, is only one and a half miles from the Monastery. Both applications include the use of 50 calibre, high velocity rifle ranges, with **targets up to two miles away**.

In 2018 a public survey was conducted in Eskdalemuir, which showed the community not to be in favour of a 50-calibre rifle range. The Eskdalemuir Community Council raised concerns about the target shooting at Over Cassock in 2018 with both the Dumfries and Galloway Council and Police Scotland. However, it took the Council over 2 years to press the landowner into actually making a planning application. Only following a threat of legal challenge, did Dumfries and Galloway Council's initial decision to then treat these applications as *local developments* change. The applicants were asked to withdraw their applications *and to resubmit as major developments*. One applicant has submitted a Proposal of Application Notice (POAN) to Dumfries and Galloway Council for the Over Cassock range. Another is expected imminently for the Clerk Hill range.

Despite the fact that the 50 calibre rifles have a range of *up to four miles*, no public notification of when shooting has taken place on Over Cassock has ever been issued.

The peace of the Monastery has already been disturbed by the exponential growth in commercial game shooting by the same operator as the Clerk Hill range.

Essentially, both firearms ranges *have already been in commercial use*, <u>without any planning permission.</u>

Indeed, The US Air Force have already formally admitted that they have:

"'*Used a range, a mile from the 53-year-old Samye Ling Tibetan Buddhist monastery, for multiple events within the past seven months'* but were '*unaware of concerns from the local community*' Capt.

Kevyn Kaler, spokeswoman for the 352nd Special Operations Wing, told Stars and Stripes on 17/3/2021. '*We regret the disturbance that this has caused,'* she said in an email. *'We have suspended all training events at this area as a result'*."

It is unclear if The US Air Force are in a position to disclose the exact locations, dates, and nature of these "*training events*" to Scottish Parliament MSPs, or if The Scottish Government were even *consulted* by the operators, before inviting The US Air Force to conduct training events in Scotland near to a Buddhist Monastery? All we can say is that The USAF has confirmed that they have already visited Eskdalemuir multiple times, and a further military exercise in February 2021 was stopped by the MOD, at the request of Police Scotland, after local concerns were raised.

Currently Scotland seems to lack an effective or suitable regulatory framework to protect our places of national spiritual and tourist importance from such firearms activities? Responsibility for range safety was removed from the Ministry of Defence in a 2006 UK Government review. As these Eskdalemuir applications have demonstrated, self-regulation by shooting enthusiasts is clearly *not enough*, when it comes to private ranges being developed for the use of 50 calibre sniper rifles **with a range of up to 4 miles**? Local planners and police firearms licensing departments do not have the resources or expertise to evaluate the design and safety of such ranges. The only reasonable place for such shooting in Scotland is on existing well-regulated Ministry of Defence Ranges?

In view of all of this, I have today asked the First Minister and Cabinet Secretary for Justice to consider advising all Local Authorities to currently suspend all granting of planning permissions to such firearms range applications, with a national moratorium; until what has clearly *gone very wrong* here, can be addressed by The Scottish Parliament and prevented from happening again, through new legislation in Scottish Law?

22,000 people have already signed the Change.Org petition [16] opposing both of these firearms ranges beside Samye Ling; and the situation has been reported extensively in the national media by: ITV [17] [18]; The Guardian [19] [20]; The Herald [21]; and The Scotsman [22]; amongst others [23].

The Scottish Parliament Petition for new legislation, if supported by a majority of Scottish Parliament MSPs, would preclude any such future activity beside places of national spiritual importance in Scotland.

We feel that preserving Scotland's places of national spiritual importance is a matter for Scotland's national Parliament to ensure; to guarantee that these peaceful spaces are protected for everyone in Scotland (as well as thousands of international visitors drawn to our country by them) and for generations to come.

Hence why we are asking that 5 mile firearms exclusion zones be created around these special places.

We feel that such legislation is worthy of cross-party support, as it would:

- **Benefit both the people of Scotland and visitors to our country, seeking spiritual peace of mind in these places;**
- **Enhance Scotland's reputation as a progressive country on the world stage as a welcoming and friendly nation;**
- **Ensure inclusive non-sectarian social justice being extended to religious minority communities within Scotland;**
- **Emphasize the importance of responsible and appropriate rural land ownership that benefits the people of Scotland, rather than solely large-scale landowners.**

As such we would be very grateful if you could advise if the Scottish Government is willing to pass such legislation in The Scottish Parliament?

Thank you so much for your consideration and support.

Yours sincerely,

REDACTED

References

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REDACTED

Keith Brown MSP
Cabinet Secretary for Justice and Veterans
MSP for Clackmannanshire and Dunblane
The Scottish Government
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG
Keith.Brown.msp@parliament.scot

scottish.ministers@gov.scot

Sunday 20 June 2021

Dear Mr Brown

https://petitions.parliament.scot/petitions/PE1874

I am writing to personally ask if you, as Cabinet Secretary for Justice and Veterans, and your MSP colleagues in The Scottish Government, will kindly support legislation to protect Scotland's places of national spiritual importance, from the intrusive and violent sound of gunfire, by creating firearms exclusion zones around these special locations for our country?

25 years on from The Dunblane Massacre[1], one of the darkest events in our country's recent history[2], this Scottish Parliament Petition PE1874[3] has been inspired by the recent applications to develop firearms shooting ranges beside Samye Ling Monastery in Eskdalemuir.

However, such protection would extend to Scotland's wealth of spiritual locations of global, international significance such as:

Dunblane Cathedral[4]
Cathedral of the Isles (Cumbrae)[5]
Pluscarden Abbey, Elgin [6]
St Magnus Cathedral, Orkney[7]
Ring of Brodgar, Orkney [8]
Iona Abbey and Nunnery, Iona[9] [10]
Rosslyn Chapel, Midlothian [11]
Callanish, Lewis (Calanais) [12]
Holy Isle Project, Arran [13] [14]

It doesn't seem reasonable that any new firearms range should ever be approved within 5 miles of an established cathedral, temple, synagogue, mosque, or monastery?

However, there is currently nothing in Scottish Law to nationally prohibit the approval of such firearms ranges close to our places of national spiritual, tourist and cultural importance in Scotland.

Scottish Parliament legislation would guarantee and protect the peaceful environment sought by people visiting or staying at these places and mean they are not subject to the intrusive and violent noise of regular audible gunfire.

As the oldest Tibetan Buddhist Monastery in the western world, Kagyu Samye Ling has attracted international visitors and tourists (the monastery is officially listed as a National Tourist Attraction by Visit Scotland- *who give it 3 stars, no less*![15]) globally to Scotland seeking peace of mind for over 50 years.

Samye Ling has also supported a number of retreats for groups of military Veterans. Exposing these individuals, some of whom are recovering from PTSD, to the sound of regular gunfire, in the very place where they have come to find peace from past traumatic conflict experiences, is really not helpful.

There are currently two controversial planning applications by neighbouring landowners to develop shooting ranges beside Samye Ling. As neither site has ever received any previous planning consent, it is reasonable to consider both as new developments. One of the two, is only one and a half miles from the Monastery. Both applications include the use of 50 calibre, high velocity rifle ranges, with **targets up to two miles away**.

In 2018 a public survey was conducted in Eskdalemuir, which showed the community not to be in favour of a 50-calibre rifle range. The Eskdalemuir Community Council raised concerns about the target shooting at Over Cassock in 2018 with both the Dumfries and Galloway Council and Police Scotland. However, it took the Council over 2 years to press the landowner into actually making a planning application. Only following a threat of legal challenge, did Dumfries and Galloway Council's initial decision to then treat these applications as *local developments* change. The applicants were asked to withdraw their applications *and to resubmit as major developments*. One applicant has submitted a Proposal of Application Notice (POAN) to Dumfries and Galloway Council for the Over Cassock range. Another is expected imminently for the Clerk Hill range.

Despite the fact that the 50 calibre rifles have a range of *up to four miles,* no public notification of when shooting has taken place on Over Cassock has ever been issued.

The peace of the Monastery has already been disturbed by the exponential growth in commercial game shooting by the same operator as the Clerk Hill range.

Essentially, both firearms ranges *have already been in commercial use*, without any planning permission.

Indeed, The US Air Force have already formally admitted that they have:

"'*Used a range, a mile from the 53-year-old Samye Ling Tibetan Buddhist monastery, for multiple events within the past seven months'* but were '*unaware of concerns from the local community*' Capt. Kevyn Kaler, spokeswoman for the 352nd Special Operations Wing, told Stars and Stripes on 17/3/2021. '*We regret the disturbance that this has caused,'* she said in an email. *'We have suspended all training events at this area as a result'*."

It is unclear if The US Air Force are in a position to disclose the exact locations, dates, and nature of these "*training events*" to Scottish Parliament MSPs, or if The Scottish Government were even *consulted* by the operators, before inviting The US Air Force to conduct training events in Scotland near to a Buddhist Monastery? All we can say is that The USAF has confirmed that they have already visited Eskdalemuir multiple times, and a further military exercise in February 2021 was stopped by the MOD, at the request of Police Scotland, after local concerns were raised.

Currently Scotland seems to lack an effective or suitable regulatory framework to protect our places of national spiritual and tourist importance from such firearms activities? Responsibility for range safety was removed from the Ministry of Defence in a 2006 UK Government review. As these Eskdalemuir applications have demonstrated, self-regulation by shooting enthusiasts is clearly *not enough*, when it comes to private ranges being developed for the use of 50 calibre sniper rifles **with a range of up to 4 miles**? Local planners and police firearms licensing departments do not have the resources or expertise to evaluate the design and safety of such ranges. The only reasonable place for such shooting in Scotland is on existing well-regulated Ministry of Defence Ranges?

In view of all of this, I am today asking if the First Minister and yourself will kindly consider requesting all Local Authorities to currently suspend all granting of planning permissions to such firearms range applications, with a national moratorium; until what has clearly *gone very wrong* here, can be addressed by The Scottish Parliament and prevented from happening again, through new legislation in Scottish Law?

22,000 people have already signed the Change.Org petition [16] opposing both of these firearms ranges beside Samye Ling; and the situation has been reported extensively in the national media by: ITV [17] [18]; The Guardian [19] [20]; The Herald [21]; and The Scotsman [22]; amongst others [23].

The Scottish Parliament Petition for new legislation, if supported by a majority of Scottish Parliament MSPs, would preclude any such future activity beside places of national spiritual importance in Scotland.

We feel that preserving Scotland's places of national spiritual importance is a matter for Scotland's national Parliament to ensure; to guarantee that these peaceful spaces are protected for everyone in Scotland (as well as thousands of international visitors drawn to our country by them) and for generations to come.

Hence why we are asking that 5 mile firearms exclusion zones be created around these special places.

We feel that such legislation is worthy of cross-party support, as it would:

- **Benefit both the people of Scotland and visitors to our country, seeking spiritual peace of mind in these places;**
- **Enhance Scotland's reputation as a progressive country on the world stage as a welcoming and friendly nation;**
- **Ensure inclusive non-sectarian social justice being extended to religious minority communities within Scotland;**
- **Emphasize the importance of responsible and appropriate rural land ownership that benefits the people of Scotland, rather than solely large-scale landowners.**

As such we would be very grateful if you could advise if the Scottish Government is willing to pass such legislation in The Scottish Parliament?

Thank you so much for your consideration and support.

Yours sincerely,

REDACTED

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From: REDACTED
Sent: 16 June 2021 17:34
To: Gougeon M (Mairi), MSP <Mairi.Gougeon.msp@parliament.scot>
Subject: PE1874: Introduce legislation to create artillery and firearms exclusion zones around places of spiritual importance and religious worship

Dear Cabinet Secretary,
I see that a petition has been lodged with the Petitions Committee
PE1874: Introduce legislation to create artillery and firearms exclusion zones around places of spiritual importance and religious worship
https://petitions.parliament.scot/petitions/PE1874
I fully support this petition and hope that you will give it your careful consideration.
However I consider that the need to petition the Scottish Parliament to ban shooting around Samye Ling Tibetan Centre and other sites of religious significance is born out of a deficit of legislation to protect public and environmental wellbeing from the growth in extra long distance target shooting and other novel 'sports' as well as the exponential growth in shooting released game.
Responsibility for shooting range safety was removed from the Ministry of Defence in a 2006 UK Government review. There is no longer any obligation for inspection or adherence to safe design guidance. Self-regulation by the shooting enthusiasts is not enough when it comes to commercial ranges being developed for the use of 50 calibre sniper rifles with a range several miles.
In March 2021 I sent extensive details of safety concerns about shooting ranges in Eskdalemuir to Ash Denham and to REDACTED, Firearms Policy Safer Communities Division Scottish. I still await a response from the Minister.
Government officials informed me that responsibility for range safety rests with local planning and police. The response of the Dumfries and Galloway Council and Police Scotland Firearms licensing departments has revealed that they do not have the resources or guidance to evaluate the design and safety of such ranges.
The local authority have demonstrated both the lack of clarity regarding the method of determination of planning applications and a lack of understanding of the safety issues involved in the design of such novel ranges. Local police have stated that no shooting should take place on the two Eskdalemuir ranges until planning is granted and that any inspection will only take place after permission is granted. However the local authority have told the Shooting Clubs involved that they can operate without full planning permission under the 28 Day rule. This has been going on for several years. It is not satisfactory that the appraisal of safety rests with the shooters alone when their actions impact negatively on residents' lives and the right to enjoy the environment for a variety of leisure, recreational and spiritual activities.
It is doubtful that such ranges can safely co-exist with other recreational activities afforded by the right to roam or alongside residents' right to enjoy the peace of their own property. The safest place for long range shooting is on existing extensive well-regulated Ministry of Defence Ranges. Gun Clubs are able use these and any revenue generated could help the defence budget.
Our research shows that as well as 50-calibre long-range rifle shooting there is a growing interest in Practical Shooting, also known as Dynamic Shooting or Action Shooting. This type of shooting has been widely advertised on one of the Eskdalemuir ranges. It mimics live-fire military combat training. The MoD

considered it too dangerous to allow civilians to do it on their range and no longer permit it. Rural Scotland is being targeted as a soft option for the development of both 50 calibre and Practical Shooting by English gun clubs experiencing difficulty getting planning permission. Proximity to the M6 renders our area particularly attractive.
These untypical shooting activities were previously unknown in this country and this surely warrants a serious review of legislation to ensure public and environmental protection.
I can send documents and correspondence previously sent to Ash Denham and REDACTED if required.
Yours sincerely
REDACT

ASSOCIATED RESPONSE TO DOCUMENT 22

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100216584
7 July 2021

Dear REDACTED
Thank you for e-mail of 16 June to the Cabinet Secretary for Rural Affairs and the Islands in relation to the petition submitted to the Scottish Parliament which is seeking legislation to be introduced to create artillery and firearms exclusion zones around places of spiritual importance and religious worship. I have been asked to reply

The petition has attracted over 10,000 signatures and is currently being considered by the Citizen Participation and Public Petitions Committee.

When handling a petition, the committee can decide to:

obtain written information or hear from the Scottish Government, other organisations, or people write to the petitioner for more information or to invite them to talk to the committee about the petition
refer the petition to another parliamentary committee recommend actions for the Scottish Government ask for a debate about the petition in the Chamber close the petition

The committee contacted the Scottish Government and I attach a link to the response, for your information, which is available on the Scottish Parliament website where you will be able to track the petition's progress.

I am sure you will appreciate that as this petition is currently under consideration, I am unable to comment further. Similarly, I cannot comment on the merits of any specific planning proposals so as not to prejudice the outcome of the decision making process in any future planning application.

I trust, however, that this is helpful to you in the meantime.
Yours sincerely
REDACTED
PAD : Planning Performance

DOCUMENT 23 – E-MAIL TO FIRST MINISTER DATED 18 JUNE 2021

From: REDACTED>
Sent: 18 June 2021 10:05
To: REDACTED@gov.scot
Subject: REDACTED note for the First Minister

Dear Nicola,
I do hope you are well and thriving throughout these 'slings and arrows' of outrageous fortune!
Living through a global pandemic is a humbling experience, but I do appreciate how extra challenging it must be for you in your role as First Minister.
I therefore realise how precious each moment is for you.. so I do hope you won't mind me reaching out about a matter I personally consider to be of great importance.
Thank you so much for taking the time to read this request to draw your attention to a petition which will soon be set before Scottish Parliament..

I'm sure you know of Samye Ling Monastery (in Eskdalemuir Dumfriesshire) and its Abbot, Lama Yeshe Rinpoche.
It is such a special place with which I've had a longstanding relationship for many years.
As the first Tibetan Monastery in the Western world, it is also a phenomenal Scottish treasure and something we should all take great pride in.
This spiritual centre, established for over 5 decades, offers a unique opportunity for both residents and visitors from all over the globe to find peaceful sanctuary and restoration for mind, body and spirit.
In the noise and haste of today's frenetic world, it is truly a rare and valuable resource.

So the fact that a gun club plans to develop two private firearms ranges, literally within earshot of Samye Ling, is incomprehensible to me.
That the very existence of such a well established and renowned place of peaceful retreat could be threatened by deafening blasts of gunfire is just 'wrong' and totally inappropriate.

I very much hope that the Scottish Parliament will do the right thing and prevent such invasive gun ranges from destroying the priceless peace of Samye Ling, and other sacred sites in Scotland, by protecting them in law for the benefit of present and future generations.

Here is a link to the
petition : https://link.edgepilot.com/s/acd146a6/yUSZJ0xZM0yx05KsDlAbjg?u=https://petitions.parliament.scot/petitions/PE1874

Thank you so much for your time and consideration.
I do hope that Scotland can be seen as a nation that truly values peace and sets a much needed example to the rest of the world.

Love and very best wishes from REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 23

Thank you for e-mail of 18 June 2021 in relation to the petition submitted to the Scottish Parliament which is seeking legislation to be introduced to create artillery and firearms exclusion zones around places of spiritual importance and religious worship. I really do appreciate that you have taken the time to contact me personally.

The petition has attracted over 10,000 signatures and is currently being considered by the Citizen Participation and Public Petitions Committee.

When handling a petition, the committee can decide to:

- *obtain written information or hear from the Scottish Government, other organisations, or people*
- *write to the petitioner for more information or to invite them to talk to the committee about the petition*
- *refer the petition to another parliamentary committee*
- *recommend actions for the Scottish Government*
- *ask for a debate about the petition in the Chamber*
- *close the petition*

I am aware that the committee contacted the Scottish Government and I attach a copy of the response for your information, which will soon appear on the Scottish Parliament website where you will be able to track the petition's progress.

I am sure you will appreciate that as this petition is currently under consideration, I am unable to comment further. Similarly, I cannot comment on the merits of any specific

planning proposals so as not to prejudice the outcome of the decision making process in any future planning application.

I trust, however, that this is helpful to you in the meantime.

DOCUMENT 24 – E-MAIL FROM EMMA HARPER MSP DATED 27 JULY 2021 – WITH ASSOCIATED LETTER DATED 29 JUNE 2021

From: Harper E (Emma), MSP <Emma.Harper.msp@parliament.scot>
Sent: 27 July 2021 17:44
To: Arthur T (Tom), MSP <Tom.Arthur.msp@parliament.scot>
Subject: Shooting Ranges Operating With 28 day planning permission

Hi Tom,
I have a tricky case in Dumfries and Galloway about two shooting ranges that are currently operating in Eskdalemuir near the religious Samye Ling temple.
I sent you this letter on June 30th and want to just raise with you that I am waiting on a response. I know its recess and folk are off and that's perfectly OK.My correspondence is attached.
I met my contact REDACTED. is representing many neighbours who are negatively affected by the shooting ranges and their lack of engagement with the local people.

Both are operating under a 28 day license until proper planning permission is made. But there has not been any submission to the local authority for planning permission.
One of the ranges wants to shoot 50 calibre bullets. 2 miles!
And there is a real safety concern as one of the ranges is near southern upland way and the other has a well known walking path through the site.
Local people are not told when the shooting "competitions" are due to take place.
28 day planning is a rule normally applied to caravan sites or agriculture temporary infrastructure.
REDACTED Regulation 10 (5) (f) – third party interests.

Are you able to provide a wee update as to when I can expect a response from Gov… That would help me take this forward.

There is rumour of use of machine guns and automatic handguns also.
This is not a traditional fixed target shooting range. It's a weekend soldier – where folk run and shoot at targets – set up. This is also not very safe!
Hope you can help.
Thnx
Emma

Emma Harper MSP, South Scotland Region, Office, Dumfries: Unit 7, High Street, Loreburne Shopping Centre, DG1 2BD Telephone: 01387 255 334
Email: emma.harper.msp@parliament.scot

Tom Arthur MSP
Minister; Public Finance, Planning, Community Wealth
The Scottish Government
By Email Only

29/06/21

Eskdalemuir Community Concerns over Shooting Ranges

Dear Tom,

I hope that you are well and taking care. Firstly, I want to congratulate you on your appointment as Minister for Public Finance, Planning and Community Wealth. This is a big portfolio and I wish you every success.

I'm writing to you, following meeting with representatives from the Eskdalemuir community in Dumfries and Galloway, who have very legitimate concerns regarding activity from 2 shooting ranges which are located in the community and which surround the Kagyu Samye Ling Monastery. These ranges are called Clerkhill Range and Over Cassock Range.

To provide some background, both Clerkhill and Over Cassock have been shooting ranges for 20 years, but have recently expanded for wild-fowl shooting, long distance target shooting and dynamic shooting (the practice of moving around and shooting from different locations in a vehicle or by foot to replicate military training).

In 2020, retrospective planning applications were submitted by both ranges to Dumfries and Galloway Council under local development legislation. The request was for a change of use from agricultural land to create a target shooting range, training centre and car park. The fact that Dumfries and Galloway Council conceded that these applications were to be dealt with retrospectively and under local development regulations, as opposed to major development, deprived members of the community the right to full consultation. Indeed, this decision was successfully legally challenged by Kagyu Samye Ling and D&G Council conceded to this.

However, both Clerkhill and Over Cassock ranges have since been allowed to operate, with the local authority's permission, for 28 days per year using the provisions set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO). This Order allows the use of land

(other than a building or land within the curtilage of a building) for any purpose, except as a caravan site, on not more than 28 days in total in any calendar year, and the erection or placing of movable structures on land for the purposes of that use, to go ahead.

This means that both ranges are operating, for 28 days per year using long distance target shooting, dynamic shooting and military type training, and they are doing so with the permission of the local authority which both the community and I find inappropriate.

The Scottish Government website, under planning, states that the GPDO should only be used in relation to non-controversial developments.

I would argue that both shooting ranges undertaking the activities that they engage in are controversial.

This is aside from both ranges being in close location to the Samye Ling Buddhist monastery which was established in Eskdalemuir in 1967.

In addition, the community have brought to my attention that a number of factors contained within the GPDO are not being followed at the site.

There are many concerns from the community which I have detailed below:

1. A number of permanent targets have been erected which cannot be easily moved and are not temporary. Also, members of the community have not been consulted as to which days the shooting operations are going ahead, and both ranges use the 28 days throughout the year and not consecutively.

2. Local residents find it extremely difficult to communicate with the managers of both ranges and this has presented a number of challenges. I have been informed that the managers do not communicate with residents as to when shooting operations are ongoing – meaning those with livestock and pets are unable to relocate them or move their pets inside prevent distress. This lack of communication has also meant that residents are often burdened with noise from high (50) calibre weapons at various times throughout the days without notice.

3. Local residents are disappointed in Dumfries and Galloway Councils' handling of this situation and feel that the authority is more in favour of allowing the shooting range developments to proceed than they are of representing the views of the established local persons in the community. Indeed, members of the community have told me that the council have acted inappropriately in dealing with their complaints. For example, when council officers went to

Emma Harper MSP, South Scotland Region, Office, Dumfries: Unit 7, High Street, Loreburne Shopping Centre, DG1 2BD Telephone: 01387 255 334
Email: emma.harper.msp@parliament.scot

4. carry out a sound assessment of the ranges, they attended on a day when there was no competitive shooting taking place therefore there was no ability to accurately measure decibels emitted from the shooting. I find it concerning that the local authority had to be legally challenged before acting to address local residents' concerns.

5. The residents are also concerned that such a development is allowed to take place so close to Kagyu Samye Ling, a site of international religious significance.

6. Residents are concerned that the responsibility for dealing with applications for shooting range developments are matters devolved to local authorities in Scotland, who often have no expertise in military grade firearms, weapons and high calibre ballistics. I have lodged a Written Question to the Scottish Government on this matter to ask if the Government, given the issues in Eskdalemuir, have any plans to manage this aspect of planning legislation.

7. Part of the Clerkhill shooting range is a water supply which is supplying surrounding houses. My understanding is that lead bullets are shot and

discarded into the water, which over time may impact water sampling and the environment.

8. The users and owners of the shooting ranges continually make derogatory comments regarding those who use Kagyu Samye Ling. Many of these comments are deeply offensive and may be considered as hate speech. I have added some examples as an attachment to this email.

9. There have been two separate occasions in which Police Scotland have been involved to stop activities on the ranges. One incident in June 2020 involved the Police stopping the US Military from carrying out activities with semi-automatic weapons as part of a ballistic training exercise.

10. Finally, I have concerns regarding the safety of people who may find themselves walking in an area designated within the literal 'firing line'. Over Cassock is in close proximity to the Southern Upland Way which has been recently written about in a 2021 walking guidebook.

As you can see, there are a significant number of concerns relating to different issues surround these shooting ranges from the planning process, legislation surrounding shooting ranges and the inappropriate use of legislation, to a lack of engagement and communication from the range owners and abusive behaviour by those using the ranges.

Emma Harper MSP, South Scotland Region, Office, Dumfries: Unit 7, High Street, Loreburne Shopping Centre, DG1 2BD Telephone: 01387 255 334
Email: emma.harper.msp@parliament.scot

Emma Harper MSP, South Scotland Region, Office, Dumfries: Unit 7, High Street, Loreburne Shopping Centre, DG1 2BD Telephone: 01387 255 334 Email: emma.harper.msp@parliament.scot

Given this, I request that the Scottish Government review all points raised in this correspondence and the local authority planning process, to determine whether;

1. The sites are operating legally, using the GPDO
2. The local authority have acted legally in allowing current activity to go ahead and
3. Whether the shooting activity taking place meet the legal sound and environmental regulations.

Please don't hesitate to contact me should you require any further information or clarity over the points raised be required. I look forward to hearing back from you soon.

Yours sincerely,

EMMA HARPER MSP
REPRESENTING SOUTH SCOTLAND

ASSOCIATED RESPONSE TO DOCUMENT 24

Minister for Public Finance, Planning & Community Wealth
Ministear airson Ionmhas Poblach, Dealbhachadh agus Beartas Còimhearsnachd
Tom Arthur BPA/MSP

T : 0300 244 4000
E : scottish.ministers@gov.scot

Emma Harper MSP
Emma.Harper.msp@parliament.scot

Our Reference: 202100226630
Your Reference: Shooting Ranges Operating With 28 day planning permission

19 August 2021

Dear Emma,

Thank you for your email of 27 July 2021 regarding two shooting ranges that are currently operating in Eskdalemuir, Dumfries and Galloway. Firstly I would like to apologise that you have not received a reply before now, your earlier letter sent in June has unfortunately not been located. I note your concerns and your queries regarding whether the rifle ranges are operating legally and within sound and environmental regulations.

I understand that the previous planning applications for this particular site were withdrawn so they could be resubmitted again as major applications. I note that Proposal of Application Notices (PANs) were submitted in April and May this year to start that process. The PAN seeks to establish from the Council the agreed level of 'pre-application consultation' with the community for a major development prior to the submission of a planning application. As you're aware, the purpose of pre-application consultation (PAC), for proposals for major development, is to add value at the start of the development management process, and allow prospective applicants the opportunity to amend their emerging proposals in light of community opinion, as well as any views from statutory consultees and the planning authority. Of course, PAC does not replace the requirement for public consultation on the application once submitted. Where communities or others wish to make representations on any application, whether local or major, these need to be submitted to the planning authority once the application is live.

In response to your specific queries, the Scottish Government cannot provide legal advice however I hope the following will be of use. Planning applications are determined in accordance with the development plan for the area, unless material considerations indicate otherwise, and the process includes provisions for communities to contribute views about proposals which may affect them.

Planning applications should provide sufficient information to enable a full assessment to be made of the likely effects of a development. This includes the characteristics of the various environmental effects likely to arise and the mitigation that can be provided. In reaching a decision the planning authority is expected to have regard to all material factors, including views from consultees and any representations from members of the public submitted to them.

Under planning legislation, permitted development rights allow for a temporary use of land for a use different to its lawful use for up to 28 days in a calendar year (other than as a caravan site). The permitted development rights apply to use of land and not to the erection of structures, although the temporary erection of a target which could be put up and taken down as required would generally not require planning permission. The 28 days includes any time for preparing the land and also includes time spent clearing the land after the use

It would be for Dumfries and Galloway as planning authority to consider whether or not the change of use for the shooting ranges is permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1997. As this is a decision of the planning authority neither the Scottish Government nor the Scottish Ministers can intervene in, or comment on, individual cases.

You also refer to a license and to safety concerns. Both these matters would be for the police to consider as the licensing, registration and safe operation of gun clubs is a function of Police Scotland.

While there are no current plans to consider this specific permitted development right at the present time, you may wish to note that the Scottish Government is currently reviewing permitted development rights (PDR) for certain development types as part of our programme of planning reform. Phase 2 is focused on PDR for electric vehicle charging infrastructure and changes of use in town centres is currently underway and members of the public will have opportunity to comment on proposals through public consultation in due course.

I hope this information is helpful.

Yours sincerely,

DOCUMENT 25 LETTER TO MINISTER RESPONSIBLE FOR PLANNING

REDACTED

Tom Arthur BPA/MSP

Our Reference: Planning issues arising from unconventional rifle ranges Eskdalemuir
Your Reference: 202100226630

31 August 2021

Dear Minister,

I refer to your correspondence with Emma Harper regarding 2 shooting ranges that are currently operating in Eskdalemuir Dumfries and Galloway

In this you refer to Proposal Application Notices being submitted in April and May.

I note the following: -

Only one notice has been submitted for Land at Over Cassock Langholm Ref. No: 21/1084/PAN | Received: Tue 18 May 2021 | Validated: Tue 18 May 2021 | Status: Unknown.

There has been no further correspondence posted in regard to this on the D&G Planning website nor is there any indication of the Council trying establish the agreed level of ' pre-application consultation' with the community for a major development prior to the submission of a planning application.

There have been structures, roads, car parking and engineering works related to the creation of targets on this site since 2017. The site as been in regular use for extra long-range target shooting

No PAN has been submitted in relation to 20/2013/FUL | CHANGE OF USE OF AGRICULTURAL LAND TO FORM TARGET SHOOTING RANGE, TRAINING CENTRE AND CAR PARKING AREA (RETROSPECTIVE) | Clerkhill Langholm DG13 0QH

There have been structures, roads, car parking and engineering works related to the creation of targets on this site since 2019. There are regular long-range shooting events and so-called Dynamic or Practical Shooting events.

Both sites are used for types of shooting that are new to Scotland and there has been a failure in the planning process to understand the nature of this type of shooting. This is evidenced, first of all, by the Council validating the planning applications as local developments failing to understand that the margin of safety required to operate safely could not be accommodated within areas of less than 2 hectares.

The use of the ranges is not for conventional target shooting. Firstly, there is Extra Long Range Shooting. This involves the use of weapons with a range of over two miles. It uses 50 Caliber rifles. Secondly, this is Practical or Dynamic Shooting. Competitors move from stage to stage with different covering many miles in a competition shooting from different firing positions. Sometimes shooting through apertures in mock-up walls, other times from behind improvised barricades such as tractor tyres or cattle feeders. Firing points may include high platforms, scaffolds, the bonnets of 4x4 vehicles or even crawling into long drainage pipes and shooting out of them. They also shoot off a shaking suspended metal platform. (This can be seen on a video taken at a competition on 21 July on the Clerkhill Range https://youtu.be/opqrKcF143s)

The permitted development rights that allow for the lawful use for 28 days are not designed to address the public safety concerns. I doubt that they were written to allow this type of activity. By allowing shooting to continue on these ranges the public, who enjoy a right to roam, are put at increased risk. There is no provision for notifying the public when or where shooting is taking place. Unlike MoD ranges these designs do not include restricted access safety zones. No assessment of the impact on other land use or land users has yet been undertaken

The Eskdalemuir Community Council has been relaying public concern about these ranges to the Dumfries and Galloway Scotland since 2018. Meanwhile commercial shooting has continued to grow. Gardner's Gun operating at Clerkhill published the following statement on 3 August 2021

"The main training facility 'Area 1' which goes out to 2km is currently still awaiting final planning permission, so in the meantime we have been out and surveyed additional facilities within the 31,000 acres we have to play with and have come up with Training Areas 2 thru 6. The first of these to come online under the new Police Scotland requirement of Independent Range Safety Inspection is Training Area 4, which was used this Sat 31st July for the long awaited Send It Series comp. Next to be Certficated (in the next couple of weeks) will be Training Area 3, and the combination of 3 & 4 is where the Dynamic SIS will take place on Friday 24th September, with the 'usual' SIS on Sat 25th Sept in Area 4. Training Areas 2 to 6 will be used under the 28 day rule and have been Police approved for this purpose. Details of Areas 2,5 & 6 will follow once they have been Certificated and brought online, over the next 6 months. With regards to the Send It Series competitions, I know a lot of you have asked for details about entries etc, however due to the recent mainstream media mania about shooting and Eskdalemuir we have decided to not advertise anything to do with the Training facility or competitions anywhere where the media may get hold of it, so no Facebook, Instagram or similar ……..info has been slow coming and it seems like we have been treading water, but trust me, a huge amount of work has been going on behind the scenes for the last 18 months and we are fully committed to developing the finest, most diverse training facility in Europe within the next 2 years."
https://ukvarminting.com/topic/54149-sis-gardners-guns-eskdalemuir-2k-training-facility-update/

It is our contention, given that the change of use relates to types of shooting radically different from those seen before (outside of MoD ranges) that it is unprecedented in Scotland. We consider that the assessment of safety and the likely effects of these developments are beyond the scope of the planning authorities experience and are not adequately covered by current planning guidance. We consider these issues to be of national significance and ask for Minister to please give them further scrutiny. We have concerns that Scotland is unknowingly moving towards a new type of gun culture that is not target shooting but mimics special forces training for civilians.

Yours sincerely

REDACTED

ASSOCIATED RESPONSE TO DOCUMENT 25

DIRECTORATE FOR LOCAL GOVERNMENT AND COMMUNITIES
DLGC : Planning and Architecture Division

REDACTED
Our Reference: 202100236467
15 September 2021

Dear REDACTED,

Thank you for your email to the Minister for Public Finance, Planning and Community Wealth regarding planning issues arising from shooting ranges at Over Cassock and Clerkhill in Eskdalemuir Dumfries and Galloway. I have been asked to reply.

I note your comments and concerns regarding the nature of the activities on the sites. I also note your request for Ministers to consider giving the issues further scrutiny.

The Scottish Government is currently reviewing permitted development rights for certain development types as part of our programme of planning reform, however there are no current plans to consider permitted development rights under the 28 day rule at the present time.

Consideration of any planning proposals at Eskdalemuir remain the responsibility of Dumfries and Galloway Council, who as a matter of course ensure planning applications are determined in accordance with the development plan for the area, unless material considerations indicate otherwise.

As you'll be aware, the licensing of shooting ranges and gun clubs remains the function of Police Scotland.

While their remains the possibility that this matter may come before Scottish Ministers, I am sure you will appreciate that it would not be appropriate to make comment on the merits surrounding this case.

I hope this is helpful.
Yours sincerely
REDACTED
PAD : Planning Performance

Tom Arthur MSP
Minister; Public Finance, Planning, Community Wealth
The Scottish Government
By Email Only

08/04/22

Scottish Government Reference: 202100226630 Shooting Ranges Operating Using 28-day planning permission

Dear Tom,

I hope you are well and taking care.
I'm writing, in response to your reply to the above case reference number regarding the issue of shooting ranges across Eskdalemuir, Dumfries and Galloway, operating under Permitted Development Rights, as allowed under the planning Scotland Act. I am aware that we are meeting on the 28th of April, but I thought it would be helpful to set out my asks, in writing, ahead of the meeting.

In my letter to you, I set out the concerns of members of the community in Eskdalemuir, and of the Kagyu Samye Ling Buddhist Monastery, regarding the current operations of the Over Cassock and Clerkhill rifle ranges. As indicated in my letter, both ranges are currently operating under permitted development rights, as set out in the Planning Scotland Act. The operations of both ranges include, but are not limited to, dynamic and target shooting with weapons, including high velocity weapons of up to 50 calibre.

While I appreciate that you indicated that you cannot comment on the safety of these operations as this is a matter for the Police, the community are extremely anxious about the safety of the shooting activity, particularly as Over Cassock is located extremely close to the Southern Upland Way and the Roman road and Reivers Pathway. I have contacted Police Scotland regarding these concerns, but they have stated that the ranges are "operating within the law" and that there is no action which will be taken.

As indicated in your letter, both ranges originally had planning applications submitted for full use as rifle ranges. These applications had to be withdrawn as Dumfries and Galloway Council treated them as local developments, and not as major planning applications. They have since been resubmitted and there is a Proposal of Application Notice (PAN) which is currently being consulted on –

although concerns have been raised over this consultation process as it has largely been online. However, many residents across Eskdalemuir do not have fast or reliable internet access. I have raised these concerns with the planning consultants and with D&G Council.

What would help to improve this situation, and indeed help to address the concerns of the community, is if the Scottish Government would consider laying a Ministerial Direction before the Scottish Parliament to amend the exclusion criteria for permitted development rights, so that it includes rifle shooting activity. Indeed, as you will be aware, there exists substantial case law for this change to be made.

Under the Planning Scotland Act, permitted development rights allow for a temporary use of land for a use different to its lawful use for up to 28 days in a calendar year, other than as a caravan site or open-air market. My ask is that this exclusion criteria include rifle shooting, so that any rifle range must go through a major planning application. This would close a loophole which is being exploited by gun club Operators.

As an example of how this could work, class 15 of the T*own and Country Planning (General Permitted Development) (Scotland) Order 1992*, specifically allows for the *"use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site or an open-air market, on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use".*

This could be amended to state: *"use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site, an open-air market or land for the purposes of rifle shooting activity, on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use"*.

Should this change occur, it would ensure that those legitimately wishing to open gun clubs and rifle ranges are subject to the robust planning process and it would ensure that the voices of communities are heard and that communities can have their say as part of a proper consultation. It would also close a current loophole in the law which essentially allows for unrestricted shooting activity. Indeed, with reference to Eskdalemuir, this change would also stop the current shooting activity which is still able to take place due to this loophole, even though there is a planning application submitted.

This change would be beneficial to the community of Eskdalemuir, and to the Samye Ling Monastery, as planning would be subjected to robust scrutiny.

I look forward to discussing these asks with you in more detail. However, please don't hesitate to contact me at any time, should you require any further information.

Kind regards,

EMMA HARPER MSP
REPRESENTING SOUTH SCOTLAND

DOCUMENT 27 LETTER TO EMMA HARPER MSP

Minister for Local Government Empowerment and Planning
Ministear airson Cumhachdachadh is Dealbhachadh
Riaghaltas Ionadail
Joe FitzPatrick MSP
Joe Mac Giolla Phádraig BPA

Emma Harper MSP
Emma.Harper.msp@parliament.scot
31 May 2023

Dear Emma,

I refer to the exchanges you had with my predecessor, Tom Arthur MSP, in relation to reviewing permitted development rights (PDR) for the temporary use of land for shooting ranges. I understand that Mr Arthur gave a verbal commitment to review such PDR. I can confirm that the Scottish Government's consultation on Phase 3 of its permitted development rights (PDR) review has now been published: https://www.gov.scot/publications/scottish- government-review-permitted-development-rights-phase-3-consultation/

The PDR review is part of the wider planning reform programme and is being taken forward on a phased basis, with each phase focusing on new and extended PDR for specific types of development. In light of the cost and climate crises, Phase 3 of the review focusses primarily on new and extended PDR for domestic and non-domestic renewable energy equipment. It also includes other proposals involving the temporary use of land for shooting ranges (Chapter 6.2).

The consultation is open until 23 August 2023. Those wishing to respond are encouraged to use the citizen space consultation hub.
I trust this
is helpful.

Yours
sincerely,

JOE FITZPATRICK