

Stobo Hope, Scottish Forestry and the Court of Session

Description



Destroyed moorland at Stobo Hope (July 2024): Scottish Forestry implausibly claimed they did not know about this herbicide spraying for a year.

A video from July 2024 of the site can be seen [here](#).

Readers may be familiar with Stobo ([see here](#) and [here](#)) perhaps one of Scotland's most environmentally destructive forestry schemes this century. In February 2024, Scottish Forestry awarded a £2 million taxpayer funded contract to the Forestry Carbon Sequestration Fund, a "registered collective investment scheme" in the tax haven of Guernsey ([see here](#)), for a giant, 1980s style Sitka spruce plantation, threatening to destroy vast areas of semi-natural moorlands, home to black grouse and many raptors. Forestry work started in February 2024.

Scottish Forestry's claims about the alleged benefits of these type of schemes are extremely dubious ([see here](#)), and NatureScot said there would be significant and adverse landscape impacts on Stobo Hope. NatureScot later dismissed a licence application by Stobo forestry managers to hunt foxes with nineteen dogs (supposedly to reduce black grouse predation) ([see here](#) and [here](#)), as pointless because the black grouse would disappear as the plantation grew, contradicting Scottish Forestry's claim black grouse would remain on site. The local community lodged a petition for judicial review (for updates see [here](#)) with the Court of Session in April 2024 to challenge Scottish Forestry's decision to approve the scheme without an Environmental Impact Assessment (EIA).

Why did Scottish Forestry claim to be unaware of the herbicide application?

As part of the judicial review the petitioners had in mid-August 2024 provided pictures of extensive damage caused by the blanket application of herbicide at Stobo. In September Brendan Callaghan (Scottish Forestry's Director of Operational Delivery) claimed (see [here](#)) Scottish Forestry were unaware of this damage until receiving these pictures, cancelled the £2 million contract as "a material piece of information was not disclosed by the applicant as we started the screening process" and an enforcement notice was issued to stop the forestry work.

However, a blog on Raptor Persecution in July 2025 (see [here](#)) has shown **senior Scottish Forestry staff were aware of the blanket herbicide spraying much earlier in the summer of 2024 , but did nothing about it**, despite this being a significant breach of forestry regulations. Scottish Forestry had been forced to release documents showing what they knew about the herbicide, due to a decision by the Scottish Information Commissioner (see [here](#)).

A Scottish Forestry staff member stated "it looked like someone has napalmed the site". Perhaps in not acting on this damage, Scottish Forestry put the financial interests of investors and tree-planting targets before communities and enforcing forestry regulations?

[scotsman.com](https://www.scotsman.com)

Why a Scottish forest planned for idyllic beauty spot is set for court battle



By [Katharine Hay](#)

Several Scottish Forestry staff, including CEO Paul Lowe and Brendan Callaghan, were made aware of this 2nd July 2024 Scotsman article (with picture of herbicide damage), by email on 3 July 2024.

In June 2024, however, it appeared the petitioners did not have the funds to go to court, and the documents in the FOI response show Scottish Forestry were following this closely. For example,

Brendan Callaghan sent this email when the crowdfunder for legal fees only had one hour left (it was later extended):

From: Brendan Callaghan <Brendan.Callaghan@forestry.gov.scot>

Sent: Monday, June 24, 2024 3:01 PM

To: [REDACTED] <[\[REDACTED\]@forestry.gov.scot](mailto:[REDACTED]@forestry.gov.scot)>

Subject: stobo

Surprised we haven't heard anything?

Noticed it's the last hour to contribute to the appeal fund!

Amount hasn't moved much in recent weeks.

Brendan Callaghan joked about the possibility of the judge being an RSE fellow in response to an

From: [Brendan Callaghan](#)

To: [REDACTED]

Subject: RE: For info only

Date: 14 June 2024 09:22:00

Attachments: [image001.jpg](#)

ithâ?? . The Royal
iferous forestry be

A more thoughtful contribution for a change!
Not a peep on Stobo. Just hoping our judge isn't an RSE fellow!

From: [REDACTED]

Sent: Friday, June 14, 2024 9:19 AM

To: [REDACTED]

Cc: Brendan Callaghan

Subject: For info only

More community concerns in the deep south just to make your Friday

Any update/movement on Stobo?

[REDACTED] | Senior Media Manager

Scottish Forestry

However, by August

2024, Scottish Forestry may have realised the petitioner had sufficient funds through further crowdfunding, with a final hearing in the Court of Session due. In an email on 22 August 2024 sent by Scottish Forestry's CEO Paul Lowe to other staff, he said that getting a poor outcome in this case would be highly reputationally difficult for SF. Earlier that month on 8 August 2024, Paul Lowe had suggested that Brendan Callaghan should brief the Cabinet Secretary by early September on the high level implications if found against.



Scottish Forestry staff, including Paul Lowe and Brendan Callaghan, were on 10 July 2024 sent an email with a link to Raptor Persecution (see [here](#)), showing pictures such as of this illegal road in the designated National Scenic Area.

How did Scottish Forestry cancel the Â£2 million grant and contract?

The documents released due to the investigation by the Scottish Information Commissioner (see [here](#)) reveal more about the cancellation of the contract with the Forestry Carbon Sequestration fund.

In late August 2024, Scottish Forestry discussed three options in response to the application for a judicial review. The first option was enforcement action for the herbicide spraying, but Scottish Forestry thought the Forestry Grant Scheme contract provisions were ‘‘not sufficiently strong to be relied upon’’ (so perhaps could not claim a breach of contract had occurred). The second option was to issue a ‘‘written warning letter’’ with possible financial penalties but this ‘‘would have no direct bearing on the status of the EIA [Environmental Impact Assessment] screening opinion’’.

The third option was to issue an enforcement notice with two sub-options:

- (i) the applicant stops work and applies for EIA consent, or
- (ii) remedial work through ‘‘mitigating actions’’ to address the herbicide damage.

Scottish Forestry observed that sub-option (ii) would not affect the judicial review but for sub-option (i), this decision would deliver a similar outcome to that being sought by Judicial review.

Option 1 • Issue an enforcement notice requiring the applicant to stop work and apply for EIA consent.

We would then need to carefully scope the requirements of the EIA report. This decision would in effect deliver a similar outcome to that being sought by Judicial review. Depending upon advice from counsel, this option could Scottish

Forestry chose sub-option (i), the only choice that cancelled the £2 million grant, contract and consent, thus avoiding any high level implications from having to appear at the Court of Session but still needed to provide grounds for the herbicide spraying requiring EIA consent for the enforcement notice.

At that time, Scottish Forestry appeared to consider that requiring an EIA was neither possible on biodiversity grounds, as the Sitka spruce would kill the vegetation anyway, or landscape grounds as vegetation (albeit coarse grasses and weeds) could grow back without Sitka spruce. Scottish Forestry then considered the environmental impact on public access.

Scottish Forestry suggested the public had a limited understanding of herbicide impacts, stating that

- **This emotional response may be irrational, but it is the real experience of many people.**
- **Many horse riders and dog walkers use the site and they will be concerned about the impact of the chemicals on their animals.**
- **It is likely that people accessing the site, in particular those using the John Buchan Way, will have very negative reactions to the large scale herbicide application. This could either stop them accessing the site again or they may highlight the use of the chemical to others, which in turn may dissuade others from accessing the site.**

Therefore the above issue of public access would have been assessed and we would have concluded that if the over spraying with herbicide was to go ahead, the project would be likely to cause a significant negative environmental effect in relation to public access.

The

hypocrisy of this claim by Scottish Forestry is extraordinary. If the public's allegedly irrational response to herbicide spraying justifies an EIA, then what about the reaction of people to Sitka plantations? Local people and the wider public will be massively dissuaded from visiting the site due to the (Scottish Forestry approved) destruction of up to fourteen square kilometres of moorland with spruce (there are adjacent new forestry schemes), hinge mounding, drains, miles of industrial lorry roads and grouse killing deer fences. Prospective tourists from further afield are always dissuaded from visiting giant Sitka plantations with their degraded landscapes devoid of moorland birds, flowers and wildlife, instead choosing to visit somewhere where suitable habitats still

exist.



Scottish Forestry staff, including Paul Lowe and Brendan Callaghan, were on 10 July 2024 sent an email with a link to Raptor Persecution (link above), showing pictures such as of this herbicide damage along the John Buchan Way.

The second judicial review â?? petition lodged by the Forestry Carbon Sequestration Fund

In December 2024 the landowners, the Forestry Carbon Sequestration Fund, lodged a petition for judicial review to try and overturn Scottish Forestryâ??s enforcement notice and to resume forestry work (see [here](#)). This fund is managed by True North Real Asset Partners Ltd (see [here](#)), who own tax haven registered True North European Real Estate Partners (Guernsey) Ltd (see [here](#)).

The petitioners appear to have argued that Scottish Forestry failed to provide a â??Statement of Reasonsâ??, supposed to be provided to justify the enforcement notice, and also argued Scottish Forestry were unable to decide if the project should now require an EIA. True Northâ??s CEO Harry Humble rejected â??any suggestion that Scottish Forestry was unaware of the need to use herbicide in limited parts of the site before making its screening decisionâ?? (see [here](#)). The petitioners also pointed out that Scottish Forestry made various site visits between issuing the screening opinion and enforcement notice.

~~to Scottish Forestry in relation to the screening request. Scottish Forestry made~~
various site visits to the Project between issuing their screening opinion on 18
January 2024 and issuing the Notice on 10 September 2024: see e.g. paragraph 7
of the Notice and paragraph 8 of Annex 1 to the Notice.

For the

herbicide spraying in August and September 2023, the petitioners claimed that **the environmental effect of such overspraying were evident at that time and at the time that Scottish Forestry made their site visits in 2024**.

Irrationality and unreasonableness. Separatim. The contents of the Notice suggest that Scottish Forestry considers that the Project is an EIA forestry project because of three matters of which they have become aware and have investigated. The first is the overspraying of heather and grass vegetation referred to in paragraphs 2-5 of the Notice. This took place in August and September 2023. The environmental effects of such overspraying were evident at that time and at the time that Scottish Forestry made their site visits in 2024. In any event, Scottish

The glyphosate was applied when the heather was in flower and there was green vegetation. It seems obvious that the effects of the herbicide would be apparent in September and October 2023 to site visitors, less so in winter and then more noticeable in spring 2024, as surviving vegetation turned green compared to the sprayed areas.

An earlier FoI request made on 1 July 2024 asked when Scottish Forestry's staff had visited Stobo since 15 March 2024 and the response was that the South Scotland Conservator then Doug

1. Has Scottish Forestry visited the site of the woodland creation scheme since its last visit on 15 March 2024? If so, on what days and what was the purpose of each visit?

Doug Howieson, South Scotland Conservator, visited the woodland creation scheme when passing on 25th June. The visit had no purpose other than a brief site drop in when passing.

However,

new emails obtained as a result of the Scottish Information Commissioner's decision show Brendan Callaghan also visited Stobo between 15 March 2024 and 1 July 2024. In an email dated 21 August

2024 Brendan Callaghan claimed the herbicide damage wasn't visible when he visited in March 2024, while an earlier email dated 4 July 2024 states he walked over the site

From: [Brendan Callaghan](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Stobo Hope herbicide - The Scotsman
Date: 01 July 2024 16:34:00

bt

Hi [REDACTED]

Slight tweak to the second sentence from me. Otherwise ok.

We think this concern refers to an area of heather which has been over sprayed with herbicide and completely killed. I noticed when I walked over the site, but not sure of the exact size of the area, certainly a few hectares, but not that extensive. This area is adjacent to the John Buchan Way, and perhaps over the top given the circumstances. Across most of the rest of the site they have ground prep and will no doubt follow up with herbicide spraying as needed.

Regards
Brendan

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A

follow up FOI request asked Scottish Forestry the date(s) when Brendan Callaghan had visited Stobo between 15 March and 21 August 2024. Scottish Forestry said Brendan Callaghan visited **once in a work capacity** on the evening of 21 August 2024 (after photographs of the herbicide damage were provided by the Stobo campaigners). It appears therefore, the earlier site visit was unrecorded and in a private capacity.

Scottish Forestry can confirm Brendan Callaghan, Director of Operational Delivery visited the Stobo Hope site once in a work capacity within the dates from 15 March to 21 August 2024 on the evening of 21 August 2024. This was a joint visit with Doug Howieson, the then Conservator for South Scotland, to look at the site in relation to the issues that had been In addition to visiting Stobo, Scottish Forestry staff had received emails with links showing herbicide damage (see [here](#)). For example, on 3 July 2024, Brendan Callaghan and Paul Lowe were informed that **the Stobo campaigners have posted the following video Stobo Hope, Scottish Borders: Landscape scale destruction of heather moorland with herbicide**.

From: [REDACTED]
To: [Brendan Callaghan](#); [REDACTED]
Cc: [REDACTED]; [Paul Lowe](#); [REDACTED]
Subject: RE: Stobo - The Scotsman
Date: 03 July 2024 11:27:09
Attachments: [image001.jpg](#)

Brendan – we were talking this morning about the use of social media etc in cases like this.

The Stobo campaigners have posted the following video [Stobo Hope, Scottish Borders: Landscape scale destruction of heather moorland with herbicide](#).
[\(youtube.com\)](#)

[REDACTED]
Scottish Forestry
Saughton House Spur E1 | Broomhouse Drive | Edinburgh | EH11 3XD

Do Brendan Callaghan, Paul Lowe and other Scottish Forestry staff (whose names are redacted in the FOI response) read their emails?



Screenshot of video – Stobo Hope, Scottish Borders: Landscape scale destruction of heather moorland with herbicide.

If senior Scottish Forestry staff are reading this blog, this video link (see [here](#)) may jog their memory.

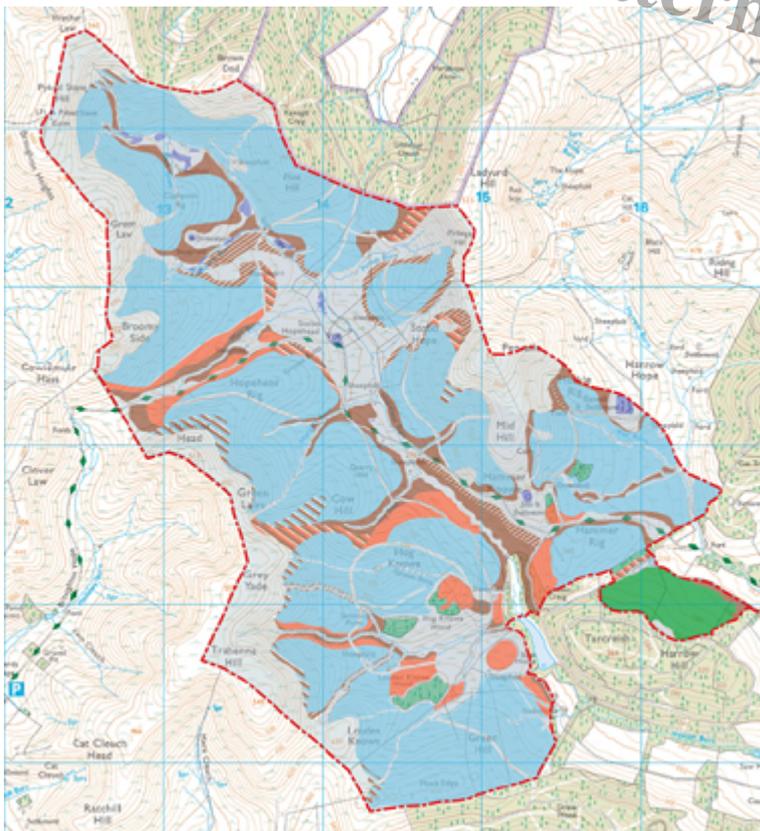
On 21 February 2025, nearly three months after the Forestry Carbon Sequestration Fund lodged their petition for judicial review, the Scotsman reported that Scottish Forestry had decided an EIA was required for Stobo Hope (see [here](#)). In spite of EIAs generally being opposed by forestry managers, Harry Humble claimed this was “a positive move”, and “we adhered to everything Scottish Forestry stipulated during our extensive, diligent and rigorous design and consultation process”.

Sometime in late February 2025, Scottish Forestry provided the forestry managers, True North, its Statement of Reasons (dated 18 February 2025) for the enforcement notice, now requiring an EIA. Scottish Forestry had shifted its stance from August 2024, stating the herbicide spraying ‘‘has caused, and continues to cause significant adverse impacts on a number of receptors, including landscape and visual amenity and biodiversity’’.

As a result, it is understood that forestry managers for Stobo have chosen and commissioned their own environmental consultants, Stantec UK Ltd, to carry out the EIA, with a report due to be submitted to the community and Scottish Forestry in the future.

(On a separate, unrelated matter, Stantec UK Ltd had previously been commissioned by Scottish Forestry to write a report called ‘‘Economic Impact of Forest Based Activities in Scotland’’ (see [here](#)), published in 2024. The Scottish Government claimed ‘‘the findings underline the importance of Scotland’s natural economy’’. Forest Based Activities’’ included the stationing of release pens and feeding stations in woodlands for non-native pheasants).

The planting plan for the EIA so far seems virtually unchanged, in spite of overwhelming public opposition to the Stobo scheme (see [here](#)) and previous objections in 2023 by NatureScot and the RSPB, which led to the first judicial review on landscape and other grounds:



Blue = Sitka; Green = Douglas Fir; Orange = commercial Scots Pine; and Brown = native woodland habitat

Does this indicate Stobo Hope’s forestry managers believe that Scottish Forestry will (a second time round) ignore the environmental destruction at Stobo and the inevitable loss of moorland species such

as black grouse (approaching extinction in South Scotland) by giving consent to the scheme?

Conversations with others suggest some people in the commercial forestry sector disagree with the Stobo scheme due to the devastating impact on black grouse, scenery and loss of moorlands, and would like this area be left alone with a little native woodland. Many genuine foresters are fed up with the industry's reputation being tarnished by Scottish Forestry's obsession with pleasing investors and absentee landlords in tax havens through tree planting targets.



Campaigners say the plantation will harm local wildlife including black grouse
TED LEBBING

Scottish Forestry staff kept a record of this 14 July 2024 Times article, showing an aerial picture of Stobo with herbicide damage (see [here](#)).

Did Scottish Forestry mislead the Court of Session?

Around April 2025, Scottish Forestry provided the Court of Session with its Answers to the petition lodged by the Forestry Carbon Sequestration Fund. Scottish Forestry stated they conceded the petition lodged by the Stobo Residents Action Group Ltd (SRAGL) **upon discovering that the petitioner had applied herbicide in a blanket manner** (from photographs provided in August 2024):

Explained and averred that Scottish Forestry, an executive agency of the respondents, conceded the petition lodged by SRAGL upon discovering that the petitioner had applied herbicide in a blanket manner. On 14 August 2024 SRAGL lodged photographs of the application of herbicide at the Project. The respondents' subsequent investigations revealed that the petitioner had sprayed an area of approximately 157 hectares of land with herbicide in August 2023 and intended to carry out further spraying. The herbicide

The second petition was discontinued in May 2025. Why did Scottish Forestry tell the Court of Session it was unaware of the application of herbicide in a blanket manner prior to 14 August 2024? Could the petitioners for the second judicial review have done more to discredit this claim by Scottish Forestry?

The evidence seems to suggest that Scottish Forestry has not only tried to cover up its failures at Stobo Hope, but did so through the Court of Session. This case has far broader implications for public confidence in Scottish Forestry, who advise Scottish Ministers and are responsible for forestry support, regulations and policy.



Main entrance gates to Stobo Hope (September 2024). A sign (left) warns visitors of “chemical spraying in progress”

[Ed note. The main author of this post wished to remain anonymous, I have respected that and checked the main sources of information quoted in this post]

Category

1. Other parts Scotland

Tags

1. conservation
2. Freedom of Information
3. Governance
4. Local communities
5. scottish forestry
6. Scottish Government

Date Created

December 17, 2025

Author

anon

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