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Declan Hall  
Clerk to the Local Review Body  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

24<sup>th</sup> December 2025

Dear Sir/Madam

**25/00041/RNOND**

**24/00031/FUL**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013  
APPLICATION UNDER SECTION 42 TO VARY PLANNING CONDITION 7 OF PLANNING PERMISSION  
19/00182/PPP (ERECTION OF RESIDENTIAL APARTMENTS) TO VARY WORDING OF CONDITION  
SITE IN GROUNDS OF KINGSMEADOWS HOUSE, KINGSMEADOWS, KINGSMEADOWS ROAD, PEEBLES,  
SCOTTISH BORDERS**

I am writing in order to **object** to the proposed variation of Planning Condition 7 of Planning Permission 19/00182/PPP. Whilst I am writing to object as a member of the local community, I am also an experienced professional ecologist with 30 years' experience of assessing the ecological impact of development proposals in the Scottish Borders.

My reason for objection is that the applicant Granton Homes Limited have asked that the protection of condition 7 be reduced to "the woodland within [the] application site" because "the condition fails the tests of Circular 4/1998 as the condition is not relevant to the development proposed."

Circular 4/1998 however "... makes clear that the planning authority may impose conditions regulating the development or use of land under the control of the applicant even if it is outside the site which is the subject of the application."

In this specific case, granting of the appeal would result in a renewal of an expired permission. If that were the case the planning authority must consider the effect of granting any new permission in light of the new National Planning Framework 4 (NPF4), which represents a material change compared with previous policy, e.g.:

***"Policy 1: When considering all development proposals significant weight will be given to the global climate & nature crises."***

I am very concerned that the ecology and bat reports prepared in support of the application to erect residential apartments on this site are the same reports that were submitted with the application for

planning permission in principle in 2019 (19/00182/PPP). No new ecology survey or data searches have been undertaken since that time. Published advice by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2019) states that reports after **three years** are unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated. It would be negligent for the Local Review Body to grant consent for this application in the absence of up to date, contemporary ecological data and to rely on data that will be **seven years old** when the local review body meets.

I would also like to restate my original objections to this proposed development which were contained in my response to the application for detailed permission in 2022 (22/00422/AMC). I have updated these in the light of new data and policy which has become available in the intervening period.

## **1. Absence of Habitats Regulations Appraisal**

The northern boundary of the site lies approximately 10 m from the River Tweed Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The Council's own screening opinion sent to the applicant on 8th November 2021 acknowledges potential connectivity to the River Tweed SAC and states that a proportionate Habitats Regulations Appraisal will be required.

*Para 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) state:*

*48.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

*(a) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of the site, shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.*

**No documentation has been submitted by the applicant assessing whether the proposed development is likely to have a significant effect on the SAC. The Council are therefore unable to approve this planning application unless a Habitats Regulations Appraisal of the development is undertaken.**

## **2. Inadequate ecological survey**

The Ecological Baseline Report for the site (ITP Energised, 2019) is a curate's egg. On first sight it appears to closely follow Good Practice Ecological Guidance set out by the Chartered Institute of Ecology and Environmental Management (CIEEM). On closer inspection however a number of omissions are identified while the ecological valuation of the site and impacts of the proposed development are understated.

### **Bats**

Para 3.3.16 of the Ecological Baseline Report acknowledges that because the Preliminary Roost Assessment was carried out in June 2019, some potential bat roosts in trees could have been overlooked due to the trees being in full leaf. My site visit in 2022 (with leafless trees) confirmed this with at least three trees exhibiting cavities offering low and moderate bat roost potential (

), ( 20) which were

not identified in the Ecological Baseline Report. I am sure that a more systematic approach would reveal more trees within the development footprint (or within 30 m ) offering bat roost potential.

Planning Authorities should require adequate survey information to determine whether bat roosts are present, likely to be affected by the development and to fully consider potential impacts on bats prior to

the determination of an application. This has demonstrably not occurred with this application leaving the Council's decision-making open to challenge.

### ***Otter***

The otter survey undertaken to inform the Ecological Baseline Report for the site found no evidence of otter along the River Tweed within 250m of the site. The survey noted that some sections of the banks of the River Tweed dropped steeply into the water and as such were inaccessible, meaning it is possible that evidence of otter activity was under recorded in these areas.

In my expert opinion otter activity was **significantly** under recorded along this section of river. A recent data search with The Wildlife Information Centre (TWIC) identified otter sightings in the River Tweed at Kingsmeadows House in 2022. In September 2024 I undertook an otter survey as part of a Preliminary Ecological Appraisal of a proposed path upgrade for Scottish Borders Council (SBC) which included the section of river upstream of Kingsmeadows House (Tweed Ecology Ltd, 2024). I found two deposits of fresh otter spraint on bankside boulders within 200m of the site boundary despite my survey area starting upstream of Kingsmeadows House.

### ***Red squirrel***

The Ecological Baseline Report seems to underestimate the importance of red squirrel on the site. No mention is made of the legal protection afforded to red squirrel in Section 2 of the report, and they are not considered in Section 5 of the report.

Red squirrels and their dreys are legally protected in Scotland by the Wildlife and Countryside Act, 1981 (as amended). This protection was strengthened by the Nature Conservation (Scotland) Act, 2004, and it is an offence to:

- Deliberately or recklessly kill, injure or capture a red squirrel;
- Deliberately or recklessly disturb or harass a red squirrel when it is occupying a place of shelter;
- Damage or destroy a red squirrel drey; and
- Deliberately or recklessly obstruct access to a red squirrel drey or otherwise deny a squirrel the use of its drey.

Red squirrel dreys are protected whether or not they are in use, as red squirrels can return to them intermittently.

Any development within 5 m of a red squirrel drey may require a licence from NatureScot due to the likelihood of disturbance of red squirrels occupying the drey. This exclusion zone extends to 50 m during the red squirrel breeding season (February to September inclusive).

Red squirrel are present on the site with records reported on the Saving Scotland's Red Squirrels website <https://scottishsquirrels.org.uk/squirrel-sightings/> as recently as 30<sup>th</sup> December 2023. My site visit in 2022 identified at least four squirrel dreys on the site or within 50 m of the site boundary. While these dreys could be occupied by grey squirrels, no attempt has been made to survey squirrels on the site to allow an impact assessment of the development on red squirrel to be undertaken.

### ***Breeding birds***

The desk study for birds (para. 4.1.11 of the Ecological Baseline Report) includes a number of species which are highly unlikely to have ever been recorded in Peebles. These include fulmar, long-tailed duck (both sea birds) and most bizarrely of all, a greater sand-plover, which has only been recorded in the UK on 19 occasions. As a result the entire desk study is called into question – are the desk study results

actually for this site or have they been accidentally included for another site? If they were in the TWIC dataset used for the data search, I would have expected to see some commentary on these odd records. During my site visit in 2022, I recorded a pair of stock dove exhibiting territorial behaviour on the site; these are listed on the Amber List of Birds of Conservation Concern (Stanbury et al., 2021).

### 3. Deficient impact appraisal of woodland habitats on the site

The semi-natural broadleaved woodland on the site is assessed as being of only local value in the Ecological Baseline Report. No mention is made of the importance of this site in providing an ecological corridor along the River Tweed into the centre of Peebles and beyond. This is well illustrated in **Figure 1**.

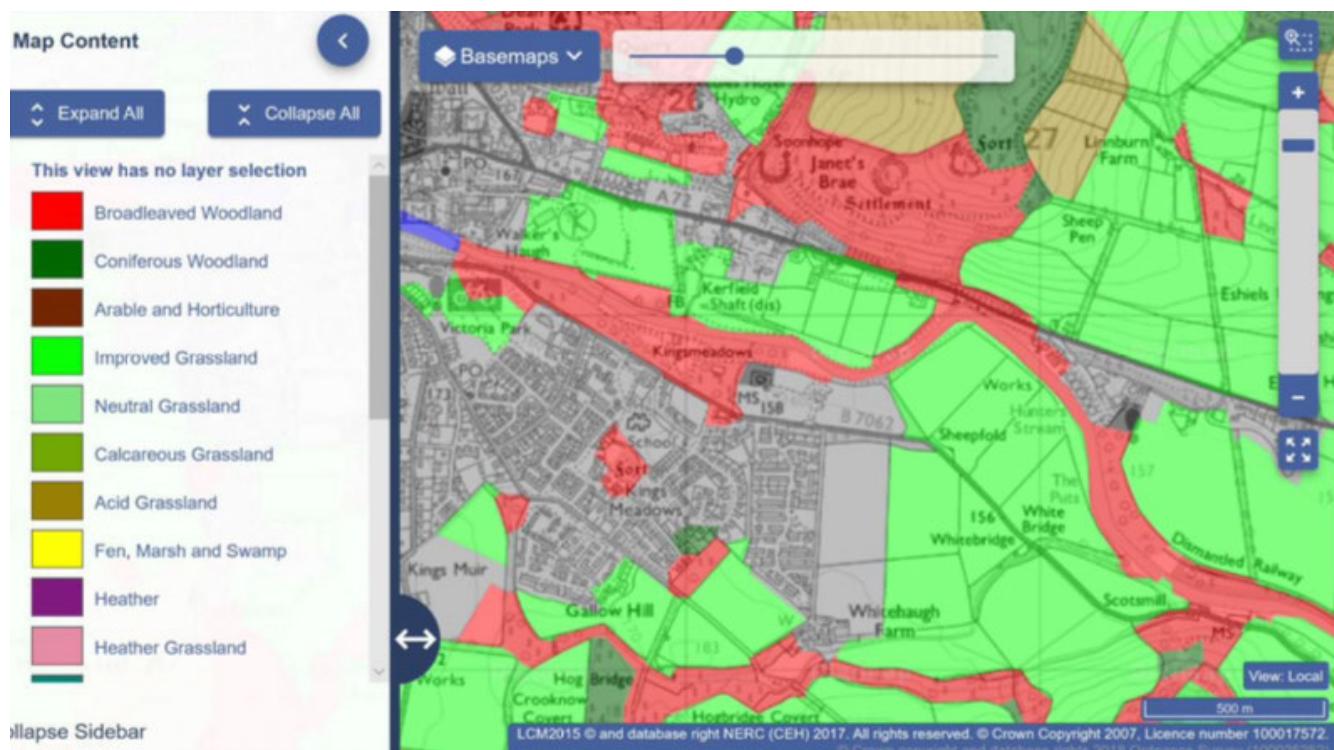


Figure 1. Land Cover Map data from the Centre for Ecology and Hydrology (2015)

The proposed development site lies in the centre of **Figure 1** at Kingsmeadows. Clearly outlined in red on the map is a corridor of broadleaved woodland connecting Kingsmeadows into the town centre via Victoria and Whitestone Parks to the west, then downriver and across to the ancient semi-natural woodland at Janet's Brae, then looping back around the town to link into further ancient semi-natural woodland to the south.

### 4. Non-compliance with planning policies

The proposed development contravenes the following policies in the Scottish Borders Council Local Development Plan 2 adopted on 22<sup>nd</sup> August 2024 (SBC, 2024).

#### ***Policy EP1: International Nature Conservation Sites and Protected Species***

The assessment undertaken to date does not allow an assessment to be made of whether the development is likely to have significant effects on the River Tweed Special Area of Conservation (SAC).

The assessment undertaken to date also does not allow the impact of the development on European Protected Species (bats and otters) to be fully considered.

***Policy EP2: National Nature Conservation and Protected Species***

The assessment undertaken to date does not allow the impact of the development on red squirrel to be properly assessed.

***Policy EP3: Local Biodiversity and Geodiversity***

The proposed development will result in the fragmentation of important broadleaved semi-natural woodland habitat and will have a significant negative impact on the integrity of an ecological corridor along the River Tweed.

***Policy EP10: Gardens and Designed Landscapes***

Kingsmeadows is an excellent local example of a stately home on the banks of the River Tweed. As such it is an historically important part of the Peeblesshire landscape and should be preserved, together with its surrounding woodlands which are integral to its setting.

***Policy EP11: Protection of Greenspace***

Kingsmeadows including the proposed development site lie within the Peebles Conservation Area. Placemaking considerations for the settlement of Peebles identify mature woodland and parkland as providing high amenity value. EP11 states that Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- a. the environmental, social or economic value of the greenspace;
- b. the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement; and
- c. the function that the greenspace serves.

The proposed development site meets all three of the criteria being of high ecological value for habitats and species, hosting woodland and parkland that contribute to the placemaking of the town, and in providing an ecological corridor along the River Tweed. Consequently the site should be protected from development.

***Policy EP12: Green Networks***

The River Tweed is identified as a Green Network. EP12 aims to protect existing Green Networks and avoid where possible their fragmentation. The proposed development will have a negative impact on the ecological integrity of the green network as a result of severance, both through direct habitat loss, but also light and noise pollution, which will have a deleterious impact on a range of wildlife including bats, hedgehog, red squirrel, otter, breeding birds and migratory fish.

***Policy EP13: Trees, Woodlands and Hedgerows***

Policy EP13 seeks to protect the woodland resource of the Scottish Borders. EP13 states that the Council will refuse development that would cause the loss of or serious damage of the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. The Ecological Baseline Report for the proposed development produced in 2019 demonstrates that there will be direct loss of semi-natural broadleaved woodland (Para 5.2.7). There are no public benefits of this development as it is a housing proposal by a private developer. The proposed

mitigation of planting of native trees where possible throughout the scheme cannot be sufficient to mitigate for the loss of 34 mature trees and the severance/fragmentation of the woodland corridor along the southern side of the River Tweed.

### **5. Biodiversity Crisis**

The UK is already one of the most nature-depleted countries in the world, in the bottom 10% globally and last among the G7 group of nations. Biodiversity is declining faster than at any time in human history. Since 1970, there has been on average almost a 70% decline in the populations of mammals, birds, fish, reptiles and amphibians. 15% of UK species are threatened with extinction. One of the major pressures on the nature of the UK is urbanisation. (House of Commons Environmental Audit Committee, 2021). We have to take action now. Developments such as this are part of the problem and not the solution.

To conclude, Kingsmeadows House and Policies are such an important asset to the biodiversity and public of Peebles as evidenced above and supported by the 509 objectors to the previous application. I remain very concerned about the cumulative impact of this development on the entire woodland area and it is vital that Scottish Borders Council continue to protect the whole conservation area.

I strongly urge the Local Review Body to **reject** this condition variation application.

Yours faithfully

**Reuben Singleton CEnv, MCIEEM**

### **Reference**

CIEEM (2019). *Advice Note on the Lifespan of Ecological Reports and Surveys*. April 2019.

House of Commons Environmental Audit Committee (2021). *Biodiversity in the UK: bloom or bust?*: First Report of Session 2021-22. HC136. June 2021.

ITP Energised (2019). *Kingsmeadows House, Peebles: Ecology Baseline Report*.

Scottish Borders Council (2024). *Scottish Borders Council Local Development Plan 2024*.

Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. (2021). *The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain*. British Birds 114:723-747.

Tweed Ecology Ltd (2024). *The Gytes to Fotheringham Bridge: Preliminary Ecological Appraisal*. Unpublished report to Scottish Borders Council.