

# **Peebles & District Community Council**

## **Planning Report**

### **Thu 11 December 2025**

Planning Reports represent the views of the Community Council (whereas Draft Planning Reports represent the views of the writer).

Key: **Red – important**; **Blue – new**; Black – unchanged since last report.  
For those who wish to study more detail, [hyperlinks](#) have been provided.

#### **1.0 General**

- 1.1 **Caledonian Court (previously Tweedbridge)** – In progress
- 1.2 **Baptist Church Building** – Being taken forward by [Tweed Valley Community Collective](#)
- 1.3 **Victoria Park Centre** – No change
- 1.4 **Old Science Block, Peebles High School** – SBC noted the proposal (item 11, [21 Aug 2025 agenda](#)) from the Capital Investment Program Board “to demolish the surplus Science Block at Peebles High School.” Condition 2 of permission [22/00271/FUL](#) requires re-use of the Science Block, so demolition will require a new planning application (though this has not yet been submitted).
- 1.5 **Is SBC abiding by the Habitats Regulations?** (See section 5 [Nov 2025](#).)  
SBC’s own guidance says: “**Before** considering whether or not to approve a planning application, Planning Authorities must establish whether European Protected Species (EPS), such as bats, are present on development sites and what the implications of this might be.”  
The legal standard requires rejection of proposals unless it has been proved, on the basis of objective information and beyond reasonable scientific doubt, that there will be no adverse effect on site integrity.
  - 1.5.1 PCC is concerned that, given the lack of Habitats Regulations Appraisal (HRA), the recent South Parks storage permission may not have been granted lawfully. (See section 5.1 [Nov 2025](#).)  
**Awaiting promised review outcome.**
  - 1.5.2 The **Environmental Rights Centre for Scotland (ERCS)** wrote to SBC explaining the legal requirement for HRA for Kingsmeadows & that in their view approval would give grounds for judicial review. SBC confirmed no HRA has been performed for Kingsmeadows. [PCC complained to SBC re: environmental protection legal compliance on 17 Nov 2011. SBC appears to be listening, subsequently revealing that they “are unable to make a positive recommendation on this application.”](#) (See section 2.1 below.)
- 1.6 **Is SBC abiding by the Planning Act?**  
Concerns planners had misinterpreted the law led SBC to defer section 42 application 24/00030/FUL from 3 June 2024 planning committee meeting on advice of the chief legal officer (refusing that application in Dec 2024). ERCS advise that misunderstanding of section 42 also plays a role in poor decision making in respect of HRA for Kingsmeadows and have referred SBC to legal advice provided by Harper Macleod dated 26 Mar 2024. Harper Macleod’s advice (e.g. that the Kingsmeadows S.42 applications are invalid and cannot be considered) was not mentioned in the officers’ reports or answered by SBC Legal Services.
  - 1.6.1 PCC notes its concern that Harper Macleod advice not included in officers’ reports in view of its obvious importance.  
**Cllrs Pirone and Tattler raising this with SBC.**

**Peebles & District Community Council**  
**Planning Report**  
**Thu 11 December 2025**

- 1.6.2 The play area at Ballantyne Place is protected by a condition of the original 2002 permission for 28 homes. PCC argued that planners appear not to have the power to change that condition now those 28 homes are built. PCC asked SBC to clarify the law and reject the application to build on the play park on that basis (or restart the consultation). Despite promising a full response to the issues raised with the benefit of legal advice from Council's Legal Services team, no explanation was provided. SBC approved the application 3 Nov 2025. The only way to challenge the approval is via judicial review. For details and references, See section 2.2 [Nov 2025](#).  
**PCC awaits the response from SBC Legal Services promised 14 Aug 2025 and requests a meeting.**
- 1.6.3 The issues raised and precedent set by the Ballantyne Place decision may be relevant to protection of green space and play areas across the Borders. An [FOI request](#) identified 10 planning permissions granted within the last 2 years modifying conditions on completed developments. [PCC wrote to SBC Legal 10 Sep 2025](#) asking whether this is within SBC's power.  
**PCC awaits response from SBC Legal Services. Meeting requests unanswered.**

2.0 Planning Applications – Current Interest

- 2.1 **Variation of conditions of expired Planning Permission in Principle**  
[19/00182/PPP](#) – Kingsmeadows House (Granton Homes) Ref Nos:  
[24/00030/FUL](#) **Refused**, [24/00247/FUL](#) **Awaiting decision**,  
[24/00031/FUL](#) **SBC tell Granton this application will be refused.**  
**Granton request Local Review from SBC for non-determination before the decision is issued. (DPEA refuse appeal.)**

- 2.1.1 Circa 250 objections, including from this Community Council.
- 2.1.2 26 Mar 2024 [Harper Macleod legal advice](#) section 42 has been misunderstood, applications are invalid and cannot be considered.
- 2.1.3 9 Dec 2024 [planning committee refuse](#) 24/00030/FUL.
- 2.1.4 20 Dec 2024 [PCC submission](#) calls for rejection of 24/00031/FUL & 24/00247/FUL for consistency with 24/00030/FUL.
- 2.1.5 9 Jul 2025 [Environmental Rights Centre for Scotland writes to SBC](#) over Habitats Regulations concerns and whether these planning applications will be determined without proper prior consideration of the potential effects on the River Tweed SAC.
- 2.1.6 14 Jul 2025 [SBC refuse to publish ERCS letter](#) but promise a reply.
- 2.1.7 15 Jul 2025 SBC consult NatureScot and SBC's Ecologist.
- 2.1.8 16 Jul 2025 NatureScot advise that "Construction of the Residential Development ... is likely to have a significant effect on the River Tweed SAC", consequently HRA is required. The watercourse buffer strips mandated by condition 7 are necessary for HRA.
- 2.1.9 17 Jul 2025 SBC ecologist advises that the no-development buffer and wider woodland protection mandated by condition 7 is required to protect the Tweed SAC, without which applications "would, in my opinion, likely fail an HRA/Appropriate Assessment because of potential impacts on otters."

**Peebles & District Community Council**  
**Planning Report**  
**Thu 11 December 2025**

- 2.1.10 21 July 2025 [PCC objects](#) based on NatureScot & Ecologist replies
- 2.1.11 29 July 2025 [Peebles Civic Society objects](#) based on NatureScot & ecologist consultation responses.
- 2.1.12 22 Sep 2025 SBC tell Granton “Having discussed this case further internally, we are unable to make a positive recommendation on this application” so “a recommendation would be made under delegated powers ... to refuse permission.” (SBC do not publish this email until 25 Nov 2025.)
- 2.1.13 17 Oct 2025 SBC confirm to ERCS “It follows that an appropriate assessment was not carried out.”
- 2.1.14 3 Nov 2025 [ERCS write to SBC](#) warning of potential breach of the Habitats Regulations. “We would be grateful if you could confirm that the Council will reconsider its position on this matter.”
- 2.1.15 24 Nov 2025 Granton appeal non-determination of 24/00031/FUL to DPEA, case [PPA-140-2109](#) (SBC ref [25/00040/NONDET](#)).
- 2.1.16 10 Dec 2025 Granton request local review [25/00041/RNONDT](#) of non-determination of 24/00031/FUL.
- 2.1.17 11 Dec 2025 DPEA advise they have no jurisdiction to hear appeal.
- 2.1.18 **PCC will submit a coordinated, comprehensive objection on behalf of the entire community.**
- 2.2 **Edderston Farm change of use to Events Venue** – [21/01327/FUL](#) – Awaiting decision. No change since 21 July 2023
- 2.3 **Twenty dwellinghouses, Land West of Horsbrugh Ford** – [19/00332/FUL](#). Development appears stalled.
  - 2.3.1 Jul 2025 Eildon aware but site does not fit development profile. SBHA report risk and asking price prohibit involvement.
  - 2.3.2 Jun 2025 The development plot is said to be back on the market as the previous developer has run out of funding.
  - 2.3.3 The developer wrote (see [Jan report](#)) to confirm that work on site will resume shortly, with completion currently expected end 2025.

**3.0 New Planning Applications**

The following application is being flagged owing to historic community interest. No planning issues are apparent and no action is recommended. The view of the Community Council is sought:

- 3.1 **[25/01814/PPP](#) – Demolition of workshop and erection of dwellinghouse – Workshop 10 Eshiels Holdings.** Planning Permission in Principle without details of layout, scale, design and appearance (will need detailed approval in future). Utilising current access. Submitted Tree Survey / Arboricultural Impact Assessment is in fact a quote. Three Category A English oak trees line the southern boundary. This is the old bowling hut at Thrie Oaks – but has not been used as such since 2012. Community interest to buy ceased a decade ago.

No action is recommended on the following, subject to PCC agreement:

- 3.2 **[25/01668/FUL](#) – Formation of access ramp – 9 Cleland Avenue.** Proposed disabled access ramp.

**Peebles & District Community Council**  
**Planning Report**  
**Thu 11 December 2025**

- 3.3 [25/01747/FUL](#) – **Extension to dwellinghouse to form garage – 1 Eshiels Holdings**. Proposed Garage Extension.
- 3.4 [25/01762/FUL](#) & [25/01763/LBC](#) – **Erection of timber frame pergola – Bridge Inn Port Brae**. Formation of Beer Garden Pergola.
- 3.5 [25/01770/FUL](#) – **Alterations to dwellinghouse – 7 Walkershaugh**. New single-ply roof membrane and insulation to existing roof deck.
- 3.6 [25/01777/FUL](#) & [25/01787/LBC](#) – **Change of use of bookmakers to restaurant and installation of extraction flue – 62 - 64 High Street**. Access will continue via existing front doors on the High Street, opening into main restaurant area, on the left-hand side of which will be a bar/servery where patrons can enjoy a drink while waiting to be seated. Extraction vent will penetrate through the rear pitch of the roof, fixed with vibration proof fastenings. Anticipated operating hours will be Sunday to Thursday 10am-11pm and Friday and Saturday 10am-12midnight.
- 3.7 [25/01815/FUL](#) – **Alterations to form roof canopy – 13 Drovers Way**. Works to dwellinghouse comprising removal of existing double garage door, insertion of new windows and entrance door, internal reconfiguration and construction of a single-storey entrance canopy. No change of use.

These certificates of lawful proposed use have already been decided. NB: refusal means the proposal is not permitted development, so an application for planning permission will be required (refusal is not a comment on the acceptability of the proposal):

- 3.8 [25/01674/CLPU](#) – **Alterations to garage to form additional accommodation to dwellinghouse – 32 Whitehaugh Park**. Conversion of internal garage to incorporate into dwelling. Infill of existing garage door opening with masonry and window. **Approved**.
- 3.9 [25/01760/CLPU](#) – **Alterations to garage and installation of canopy – 13 Drovers Way**. Internal renovation, double garage doors on the principal elevation will change to a new front door and bathroom window. These will be covered by a new overhanging canopy. **Refused**.

#### 4.0 Planning Applications – Wind Farms<sup>1</sup>

Wind Farm applications are long-running and decided by the Energy Consents Unit (ECU) under [section 36 of the Electricity Act](#), with SBC acting as a consultee.

- 4.1 [Leithenwater](#) – [24/00512/S36](#) / [ECU00004619](#) – SBC S36 deadline 2 Jul 2025. Awaiting decision.
- 4.1.1 5 Jul 2024 [RSPB requests](#) 3 turbines deleted or moved, disagreeing with EIA report findings on impact to golden eagle<sup>2</sup> and citing impact to (red-listed) Black Grouse and breeding Curlew.
- 4.1.2 1 Aug 2024 landowner [Raeshaw Farms object](#), citing multiple NPF4 policy failures e.g. “policy [3 biodiversity] requirement for betterment”
- 4.1.3 23 Oct 2024 [Belltown Power reject RSPB’s request](#) “NatureScot did not raise any concerns” (see [NatureScot’s advice](#) 15 Jul 2024).

<sup>1</sup> Information on Community Benefits and Community Ownership available in the [Scottish Government Good Practice Principles](#) and the [Local Energy Scotland](#) website

<sup>2</sup> See this report from South of Scotland Golden Eagle project on a [golden eagle struck by wind farm in Galloway](#)

**Peebles & District Community Council**  
**Planning Report**  
**Thu 11 December 2025**

- 4.1.4 14 Nov 2024 [PCC supports Leithenwater](#), subject to the advice of SSGEP & RSPB being followed.
- 4.1.5 18 Dec 2024 Scottish Rights of Way and Access Society ([ScotWays](#)) [object](#), asking turbines to be placed blade tip height [here 180-200m] from any road or public right of way – not 20m as proposed.
- 4.1.6 31 Jan 2025 SBC Ecology Officer raises concerns re: golden eagles. Requests turbines 11-13 reduced in number or moved.
- 4.1.7 6 May 2025 SBC Landscape Architect objects. Impacts on National Scenic Area (NSA) and surrounding Special Landscape Areas (SLAs) are unacceptable. Suggests reduction in turbine height, removal of turbines 11-13 and relocation of turbine 1.
- 4.2 **[Scawd Law](#)** – [23/00013/S36](#) / [ECU00002111](#) – SBC S36 decision deadline [14 Jan 2026](#).  
[South of Scotland Golden Eagle Project](#) (SSGEP) [has objected](#) to the entire Scawd Law project on the grounds it is incompatible with the reintroduction of Eagles in the South of Scotland.  
NB: It is an offence<sup>3</sup> to interfere with Golden Eagle nests or prevent any wild bird from using its nest in Scotland.  
Neighbouring Community Councils of [Clovenfords](#), [Heriot](#), [Stow](#) and [Walkerburn](#) object (issues include: need; harm to Eagles; damage to peat; visual impact; landscape). [Innerleithen](#) Community Council supports.
  - 4.2.1 20 Feb 2023 [Walkerburn and District Community Council paper](#).
  - 4.2.2 19 Sep 2023 [Rt Hon David Mundell MP objects](#).
  - 4.2.3 2 Feb 2024 [NatureScot strongly advise turbines 7 & 8 removed](#) from ridge to protect golden eagles<sup>2</sup>/meet NPF4 biodiversity policy.
  - 4.2.4 25 Feb 2025 Further environmental information (FEI) submitted re: impact to eagles and the potential removal of turbines 7 & 8.
  - 4.2.5 8 May 2025 [PCC objects](#) on same grounds as SSGEP & other CCs
  - 4.2.6 29 Oct 2025 SBC decision deadline extended until 14 Jan 2026.
- 4.3 **[Cloich Forest](#)** – [21/01134/S36](#) / [ECU00003288](#) – Awaiting decision.
  - 4.3.1 25 Apr 2023 SBC do not object provided Turbine 12 is relocated to a lower position within the site
  - 4.3.2 2 Sep 2024 [Howgate Community Council](#) submissions
  - 4.3.3 6 Sep 2024 [Midlothian Council objects](#) on biodiversity, landscape and transport (route pinch points) grounds especially at Howgate.

**5.0 Previous Planning Applications removed from report**

This application raised important issues which PCC will continue to pursue (see section 1.6 above), however the decision to approve this application is done.

- 5.1 **Ballantyne Place Play Area** – [25/00974/FUL](#) – Erection of dwellinghouse and Section 42 application to remove condition no.4 of planning permission [02/01783/FUL](#) pertaining to include adequate provision for children's play area – Land West Of 8 Ballantyne Place ([more info](#)).
  - 5.1.1 We believe the public opposes applications to build on play areas.

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<sup>3</sup> Section 1(1)(ba) of the [Wildlife and Countryside Act 1981](#) as it applies in Scotland, i.e. as amended by the [Nature Conservation \(Scotland\) Act 2004](#).



**Peebles & District Community Council  
Planning Report  
Thu 11 December 2025**

- 5.1.2 Legal Issue 1: PCC challenges whether it is legal for SBC to remove planning conditions that protect play areas once building has been completed (applies across Scotland).
- 5.1.3 Legal Issue 2: Ownership notification laws (which protect sellers by ensuring they are aware of planning permission on their land and thus its true market value) appear not to have been followed in respect of this section 42 application, but the law requires SBC not to consider planning applications unless these rules are satisfied.
- 5.1.4 PCC resolved to: 1) clarify legal issues with SBC Legal & planners first; then 2) object on policy grounds similar to previous application [20/00691/FUL](#) and [reporter's dismissal of appeal](#).
- 5.1.5 PCC submitted 4 consultation responses ([29 Jul 2025](#), [7 Aug 2025](#), [18 Aug 2025](#) and [22 Aug 2025](#)) requesting clarification of legal issues and that consultation be paused until legal issues clarified.
- 5.1.6 [14 Aug 2025](#) SBC refused to delay consultation, promising Legal clarification.
- 5.1.7 3 Nov 2025 SBC Planning Committee approves – despite presentation from [planning convenor](#) and [chairman's statement](#).
- 5.1.8 Councillors requested legal advice before making their decision:  
“But we have legal powers that allow the variation of conditions of a completed planning development. We have powers that allow the variation of section seventy-fives or planning obligations.” [SBC Legal Services solicitor, see [transcript](#) which includes link to SBC video of the decision.]  
SBC’s solicitor did not explain which section(s) of the act gave SBC those powers, or answer [PCC's criticisms](#) that SBC appeared to be in breach of specific limits on those powers stated in the act, or address the questions of enforcing agreements for the benefit of the community or compensation payable to residents.
- 5.1.9 Councillor comments include:  
“If we’re going to sacrifice play areas for new homes then I would agree with the officers, I think we should build a house on this one.” [See [decision video](#) 2:11:15]

No ongoing interest to PCC:

- 5.2 [25/01391/FUL](#) – Alterations to dwellinghouse – Beresford 8 Walkershaugh. Improvements to existing dwelling, ventilation and flat roof insulation.
- 5.3 [25/01415/FUL](#) – Alterations and extension to dwellinghouse – Westfield 62 Edinburgh Road. New proposed rear extension, front bay window and a new garden building. Internal alterations to create new layout with expanded footprint on both levels.
- 5.4 [25/01432/FUL](#) – Alterations to form off street parking – Newton Bank Franksroft. Take down section of low stone wall and remove sections of hedge to form access drive. Drive finished in block paving. Install metal gates to match existing.
- 5.5 [25/01433/FUL](#) – Alterations and extension to dwellinghouse – Birch Villa 5 Springwood Terrace. Proposed new single storey extension to rear of the property to form a new open plan dining / sitting room along with a new

**Peebles & District Community Council**  
**Planning Report**  
**Thu 11 December 2025**

utility room. Associated internal alterations and landscaping. Replacement of existing sash and case windows.

- 5.6 [25/01446/PN](#) – Formation of timber haulage road – Land North Of Falla Brae House Eshiels. Formation of Glentress Ponds link road for timber haulage. Notification only (general permitted development).
- 5.7 [25/01480/FUL](#) – Extension to dwellinghouse and extend existing driveway – 28 Edderston Road. Single storey extension and alterations to add bedroom/study on front elevation. Extend drive into garden.
- 5.8 [25/01530/TCA](#) – Work to trees – Land North of Deloraine Kingsmuir Drive. Crow Wood (behind Bonnington Road and Kingsmuir Drive). Remove dead, fully mature Scott's Pine and snapped, ivy covered tree.

Minor (replacement windows, interior alterations or external redecoration):

- 5.9 [25/01642/PNWIN](#) – Replacement windows – 8 Cross Street. Proposed installation of replacement windows, double-glazed in white UPVC frames.

No recommendation possible (no info available on portal):

- 5.10 [25/01627/VAA](#) – Vehicle Access Application to drop kerb – 21 Dalatho Street.

Michael Marshall, PhD  
Planning Convener