

**Peebles & District Community Council**  
**Planning Report**  
**Thu 12 February 2026**

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 **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/otters](#), 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.
  - 1.4.1 PCC is concerned that, given the lack of Habitats Regulations Appraisal (HRA), the recent South Parks storage permission appeared to not follow SBC guidance and may have breached Habitats Regulations (see section 5.1 [Nov 2025](#).)  
**Awaiting promised review outcome.**
  - 1.4.2 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. 17 Nov [2025 PCC complained to SBC](#) re: environmental protection legal compliance. SBC appears to be listening (see 0 below).  
[29 Jan 2026 ERCS complain to SBC re SBC's failure to respond.](#)
- 1.5 **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.
  - 1.5.1 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.**
  - 1.5.2 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

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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.**

1.5.3 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 **3 requests to renew expired Planning Permission in Principle (PPP)** with changes to conditions – Kingsmeadows House (Granton Homes). Circa 250 objections, including from this Community Council.

[24/00030/FUL](#) (condition 2) **Refused**.

[24/00031/FUL](#) (condition 7) **Appealed** (see 2.2 below).

[24/00247/FUL](#) (conditions 2&7) **Awaiting decision**.

26 Mar 2024 [Harper Macleod legal advice](#) section 42 cannot be used to renew expired Permission in Principle [19/00182/PPP](#).

9 Dec 2024 [Planning committee refuse](#) 24/00030/FUL.

20 Dec 2024 [PCC submission](#) calls for rejection of 24/00031/FUL & 24/00247/FUL for consistency with 24/00030/FUL.

9 Jul 2025 [ERCS writes to SBC](#) over Habitats Regs concerns and whether these applications will be approved without proper prior consideration of potential effects on River Tweed SAC.

14 Jul 2025 [SBC refuse to publish ERCS letter](#) but promise a reply.

21 July 2025 [PCC objects](#) based on NatureScot & Ecologist replies

29 July 2025 [Peebles Civic Society objects](#) on same grounds.

22 Sep 2025 [SBC tell Granton](#) "a recommendation would be made under delegated powers to refuse permission" (published 25 Nov).

17 Oct 2025 [SBC confirm to ERCS](#) that HRA not carried out.

3 Nov 2025 [ERCS write to SBC](#) warning of potential breach of Habitats Regulations asking if "Council will reconsider its position."

24 Nov 2025 Granton appeal non-determination of 24/00031/FUL to DPEA, case [PPA-140-2109](#) (SBC ref [25/00040/NONDET](#)).

11 Dec 2025 DPEA advise they have no jurisdiction to hear appeal.

31 Dec 2025 [PCC object to 24/00247/FUL](#) (per appeal, see 2.2)

2.2 [25/00041/RNONDT](#) – **Appeal to Local Review Board (LRB)** for non-determination of [24/00031/FUL](#) (request to renew expired PPP with changes to condition 7 – Kingsmeadows House).

23 Feb 2025 LRB decision meeting 10am, SBC HQ

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**2.2.1 Developer's argument for granting the appeal:**

- Pritchett Planning Consultancy says “*The only submission before the LRB regarding the legality and competency of the wording of this condition has been submitted by the appellant. The LRB has no other competent information before them except from that provided by the appellant. This appeal should therefore be upheld and the variation to the condition approved.*”
- Mr Pritchett is not a solicitor. No evidence from a solicitor is provided to support Mr Pritchett's legal claims.

**2.2.2 Community's argument for refusing the appeal:**

- [Read legal advice](#) from Harper Macleod (solicitors) that the applicant's legal claims are wrong.
- [Read legal advice](#) from the Principal Solicitor and Legal Director of ERCS Legal Ltd at the Environmental Rights Centre for Scotland (ERCS) that approval “would be grounds for a judicial review arising from a breach of the [Habitats] Regulation 48(1) duty”.
- European and Nationally Protected Species are threatened by this proposal set in riparian woodland on the Tweed SAC/SSSI.
- 37 notable & 3 veteran trees on the Ancient Tree Inventory at risk.
- Development is in the flood plain. Outdated (Nov 2019) FRA not competent – peak flows revised upwards by 221 m<sup>3</sup>/S (44%) and latest SEPA guidance requires additional climate allowance of 59%.
- Luxury flats don't help SBC's affordable housing emergency.
- No valid ecology, tree or flood reports to support application.
- [Community's expert arboriculturist reports](#) serious flaws<sup>1</sup> in all developer assessments. Unacceptable tree loss requires refusal.
- [Community's expert ecologist reports](#) serious ecology flaws<sup>2</sup>, urging refusal in order to protect entire woodland and conservation area.
- Those flaws indicate the proposal for flats has never had proper tree or ecology assessments – until now. E.g. original approval granted without assessment by SBC ecologist or tree officer.
- Read [PCC's consolidated objection](#) providing detailed evidence why these issues breach 22 separate policies in LDP2 and NPF4, (for inclusion as refusal reasons).

**3.0 New Planning Applications**

Object on same grounds as Peebles Civic Society (PCS):

**3.1 [26/00107/FUL](#) – Installation of InPost Parcel Locker (retrospective) – Post Office Store 25 Rosetta Road. On exterior wall, Rosetta Road.**

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

**3.2 [26/00010/TCA](#) – Work to trees – 13A Northgate Peebles. Prune Rowan tree, reducing by one third to keep it an appropriate size for garden.**

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<sup>1</sup> Missing AIA (i.e. tree loss not shown), missing AMS (i.e. road construction appears impossible), wrong site, etc.

<sup>2</sup> Otters significantly under recorded, bat impact demonstrably not assessed, no HRA, questionable bird survey, etc

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- 3.3 [26/00018/FUL](#) – Extensions and alterations to dwellinghouse – 78 Kingsland Square. Single storey extension to rear and 2 storey extension to front.
- 3.4 [26/00023/FUL](#) – Installation of rooflight and replacement front door – Lavender House 2 Montgomery Place. Peebles Civic Society have no objection.
- 3.5 [26/00185/FUL](#) – Alterations and extension to dwellinghouse – Eltonmor 9 Connor Place. Take down existing sunroom and rear kitchen extension. Alter and extend house to form rear living room and side utility and shower room.

No recommendation possible (no info available on portal):

- 3.6 [26/00083/TPO](#) – Work to trees – 3 Morning Hill.

4.0 Planning Applications – Wind Farms<sup>3</sup>

Wind Farm applications  $\geq 50$  MW are 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>4</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).
- 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.
- 4.1.8 18 Dec 2025 Supplementary Environmental Information (SEI) from [LUC](#) on behalf of Belltown Power finds “No significant effects on golden eagle are predicted ... and the findings of Chapter 8 of the EIA Report remain unchanged”, disagreeing with RSPB, SBC’s ecologist and RUN (who previously advised of a substantive change to the golden eagle baseline).

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<sup>3</sup> Information on Community Benefits and Community Ownership available in the [Scottish Government Good Practice Principles](#) and the [Local Energy Scotland](#) website

<sup>4</sup> Restoring Upland Nature (RUN) South of Scotland Golden Eagle Project (SSGEP) [golden eagle strikes Galloway wind farm](#)

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- 4.1.9 23 Jan 2026 The Ministry of Defence (MOD) maintains its objection due to the unacceptable impact on the operation and capability of the seismological recording station at Eskdalemuir, part of the UK contribution to the [Comprehensive Nuclear Test Ban Treaty](#).
- 4.2 **Scawd Law** – [23/00013/S36](#) / [ECU00002111](#) – SBC S36 decision deadline 3 Mar 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>5</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>4</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 27 Jan 2026 Fred Olsen publishes “information note” to address consultee concerns. For example, SBC asked ECU to consider whether the consultant’s omission that they were owned by Fred Olsen (FORL) constitutes a conflict of interest. The “information note” says this is incorrect because FORL is owned by “Bonheur” – without disclosing that [Bonheur is controlled by Fred. Olsen & Co.](#)
- 4.2.7 2 Feb 2026 SBC decision deadline extended until 3 Mar 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 Apparently stalled Planning Applications

These planning applications appear to have stalled (they will be returned to section 2.0 if there is activity):

- 5.1 **Edderston Farm change of use to Events Venue** – [21/01327/FUL](#) – Awaiting decision. No change since 21 July 2023
- 5.2 **Twenty dwellinghouses, Land West of Horsbrugh Ford** – [19/00332/FUL](#). Development appears stalled.
- 5.2.1 Jul 2025 Eildon aware but site does not fit development profile. SBHA report risk and asking price prohibit involvement.

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<sup>5</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](#).

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- 5.2.2 Jun 2025 The development plot is said to be back on the market as the previous developer has run out of funding.
- 5.2.3 The developer wrote (see [Jan report](#)) to confirm that work on site will resume shortly, with completion currently expected end 2025.

6.0 Previous Planning Applications removed from report

Letters of support submitted for the following (liaising with Peebles Civic Society):

- 6.1 [25/01666/FUL](#) & [25/01667/LBC](#) – Repairs to Porte-Cochere, replace glazed cupola and frame, and repairs to decayed timbers/structure – Peebles Hotel Hydro Innerleithen Road. Entrance canopy to hotel. Informal pre-application conversations on telephone and on-site with Planning Officer and Heritage and Design Officer. Advice given was a clear preference to retain and repair the existing porte-cochere structure as far as possible (May 2025). Support PCS' view that existing structures should be restored rather than replaced.
- 6.2 [25/01879/FUL](#) – Erection of 3 no holiday accommodation pods – Land East of Park Hotel Innerleithen Road. 3 new holiday accommodation pods. The concept is that three units located in part of the garden area, hedges are added to the existing good landscape structure to provide pockets for the units and some privacy. The feel is potting shed, greenhouse. South facing decks face away from the public road and existing Hotel car park. Solar PV and heatpumps would provide heating, very highly insulated units with minimal running costs [design statement].

No ongoing interest to PCC:

- 6.3 [25/01894/FUL](#) & [25/01893/LBC](#) – Alterations to improve access with new entrance and reception space and refurbishment of facilities throughout building – Chambers Institute Museum High Street. Proposed alterations to the Chambers Institution building to improve access, including a new entrance and reception area, a lift serving all floors, and upgraded facilities throughout the building, including additional WCs. Category A listed building [LB39180](#). There is an extensive Conservation Management Plan and Design and Access Statement available via the portal (these are highly recommended).
- 6.4 [25/01793/FUL](#) – Extension to dwellinghouse – The Cairn Haystoun Avenue. Single and two storey side and rear extension to create open plan kitchen/dining and utility at ground floor and additional bedroom with en-suite at first floor with lift access. Substantial addition, solar panels. Neighbour supports with request to minimise ASHP noise.
- 6.5 [25/01805/FUL](#) – Alterations and extension to dwellinghouse – Pathend 29 - 1 Eastgate. Demolition of existing conservatory and extension and proposed single storey rear extension to create open plan kitchen /dining/living space and utility room.
- 6.6 [25/01838/FUL](#) – Alterations to from vehicle repair workshop and associated works – Boiler House and Engine House Ballantyne Place March Street. Proposed vehicle repair workshop and associated works.

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- Contaminated land officer proposes condition to require assessment and remediation of contamination (if any, from past use as mill).
- 6.7 [25/01853/FUL](#) – Alterations and extension to dwellinghouse – Herdsbrae 49 Edderston Road. Alter and extend house to provide rear facing dormers and balcony. Replace glazed porch. Install rear deck and factory fabricated stainless steel chimney.
- 6.8 [25/01927/FUL](#) – Siting of sauna building – Forest Holidays Land North of Linnburn Farmhouse. Mobile sauna unit with decking area to compliment self-catering accommodation at this location. The sauna will sit in a small clearing, away from the cabins and set back from the access track, in an area predominantly covered by mature Stika Spruce.
- 6.9 [26/00011/TCA](#) – Work to trees – Priors Reach Kingsmeadows Road. 8 trees to be felled: health; risk to home; storm damage; instability; disease (ash die back); overhanging main road.

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