

Peebles & District Community Council

Planning Report

Thu 12 March 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.
- 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 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.

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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.

1.6 **PCC's [17 Nov 2025 complaint](#) to SBC re: environmental protection.**

29 Jan 2026 ERCS complain re SBC failure to [give substantive response](#).

1.6.1 25 Nov 2025 SBC [promise response by 23 Dec 2025](#).

1.6.2 18 Dec 2025 SBC [promise response by 28 Jan 2026](#).

1.6.3 27 Jan 2026 SBC [promise response by 11 Feb 2026](#).

1.6.4 11 Feb 2026 SBC [promise response by 25 Feb 2026](#).

1.6.5 12 Feb 2026 in response to comments that "Correspondence from ERCS to SBC planners on behalf of this community has still not been published on the planning portal," SBC [publicly stated](#) "the correspondence was concerned not with the merits of the proposal but with the processes by which the application was being considered" – despite acknowledging "that position is the subject of two ongoing complaints to this council." Firstly, in PCC's view, the merits of a proposal cannot be determined extrajudicially (without reference to relevant acts and regulations). Secondly, why is SBC publicly commenting on ongoing complaints?

1.6.6 23 Feb 2026 Kingsmeadows appeal unanimously refused by LRB, but disturbing advice given by officers from two departments: **SBC Solicitor** said "if consent were granted without an appropriate, further appropriate assessment ... meant that applicant requires to submit an AMC ... an HRA may be required at this stage." However the point of ERCS' complaint is that approval without HRA is not lawful ("would be grounds for a judicial review arising from a breach of the Regulation 48(1) duty") and cannot be deferred.

SBC Planner, when asked if the proposal is in the flood plain, said "That wouldn't form part of your considerations today. ... Well, it is [in the flood plain]. It is. But it's, it's already been approved."

Whereas in reality, there is no extant permission for Kingsmeadows and approval of development in flood plains requires notification to Scottish Ministers ([Chief Planner Oct 2025](#)).

SBC Solicitor – is it normal for SBC's solicitor to interrupt a councillor who is providing his decision? Councillor "There was no criticism of condition 7 at the time ... That wasn't being queried when it was renewed in 2021 ... and I think that the change here is for other reasons, to keep the original permission going ... [cut off]" [SBC Solicitor interrupts] "Members ... whatever you believe might be an ulterior motive to this condition, that should not form the, your deliberation. It is the looking at the condition which is being considered." This contradicted the planning officer, who advised

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that LRB powers included “consideration of the overall effect of granting consent ... this may involve reconsideration of the principle of development.”

1.6.7 25 Feb 2026 SBC [promise response by 30 Mar 2026](#).

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 9 Dec 2024**.

[24/00031/FUL](#) (condition 7) **Refused 23 Feb 2026** (see 6.2 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.

24 Mar 2025 DPEA refuse appeal [PPA-140-2107](#) of 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.”

11 Dec 2025 DPEA refuse appeal [PPA-140-2109](#) of 24/00031/FUL.

31 Dec 2025 PCC submit [comprehensive objection to 24/00031/FUL](#) and [consolidated comprehensive objection to 24/00247/FUL](#).

23 Feb 2026 [LRB refuse 24/00031/FUL on appeal \(25/00041/RNONDT\)](#).

12 Mar 2026 **Now that all the issues concerning changes to conditions 2 and 7 have been refused in applications 24/00030/FUL and 24/00031/FUL respectively, we call on planners to refuse 24/00247/FUL on the same grounds (see [PCC objection](#)).**

3.0 New Planning Applications

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

- 3.1 [26/00157/LBC](#), [26/00158/FUL](#) – **Replacement windows (retrospective) – 45 - 6 March Street**. Replacement windows designed with the intention of keeping the character and appearance of the existing building and the surrounding area while improving the thermal performance and giving the ability to maintain the windows ourselves. Apologised – unaware this needed consent.

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- 3.2 [26/00207/FUL](#) – **Extension to dwellinghouse and alterations to driveway – 30 Edderston Road.** Single storey side extension and alterations to driveway.
- 3.3 [26/00240/FUL](#) – **Alterations and extension to dwellinghouse – 58 Rosetta Road.** Removal of the existing conservatory and the construction of a single storey, flat roof extension to the rear of the property.
- 3.4 [26/00238/FUL](#) – **Alterations to dwellinghouse and replacement windows and door – Hartley Springhill Road.** Window and door replacement. Internal and external alterations to form improved kitchen and dining space including construction of new bay window.
- 3.5 [26/00248/CLEU](#) – **Request for Certificate of Lawful Existing Use as Class 5 General Industry – 10 Eshiels Holdings.** On the basis the building has been used continuously as a private workshop since 2012. NB: previous request [25/01814/PPP](#) to demolish and rebuild was withdrawn (see [Dec 2025 planning report](#)).
- 3.6 [26/00268/FUL](#) – **Alterations to improve existing access with new fence and gates – Field Entrance Land North Of 5 Horsbrugh Ford.** Entrance opposite bus stop, The Peeblesshire Agriculture Society.
- 3.7 [26/00298/TCA](#) – **Work to trees – Grange Villa Frankscroft.** Works to 3 trees, plus complete removal of 4 other trees and 1 stump. Overgrown, obstructing cars and pedestrians, potentially damaging house.
- 3.8 [26/00330/FUL](#) – **Alterations and extension to dwellinghouse – Netherknowe 32 Kirkland Street.** Replace rear extension with larger extension.
- 3.9 [26/00358/FUL](#) – **Alterations and extension to dwellinghouse and replacement garage – Monklaw 10 Cross Road.** Proposed single storey rear extension with terrace and replacement with larger, timber clad garage. Driveway widened, new metal railing gates.

Already decided:

- 3.10 [26/00201/PN](#) – **Formation of forestry tracks – Land North of Eshiels Hope Glentress Forest.** Harvesting within Glentress Forest by Forestry and Land Scotland. NB: This prior notification was approved 4 Mar 2026.
- 3.11 [26/00305/CLPU](#) – **Alterations to conservatory – Sideways Bonnington Road.** This Certificate of Lawful Proposed Use was decided 6 Mar 2026 – the proposal is not permitted development.

4.0 [Planning Applications – Wind Farms](#)¹

Wind Farm applications ≥ 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.

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

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- 4.1.1 5 Jul 2024 [RSPB requests](#) 3 turbines deleted or moved, disagreeing with EIA report findings on impact to golden eagle² 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).
 - 4.1.9 8 Jan 2026 [Belltown power provide rebuttal of landscape officer’s assessment and choose to make no changes to turbine design.](#) Amongst other arguments, the applicant says their offer of £5,000/MW index linked as Community Benefit would be reduced by over £100,000 a year with the removal of four turbines. This is misleading as the applicant only offers to index link the £5,000/MW *after* start-up, such that inflation erodes the value of community benefit by more in real terms than the £100,000 quoted.
 - 4.1.10 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](#).
 - 4.1.11 5 Feb 2026 NatureScot advises that golden eagle are unlikely to be significantly affected by this proposed development (unchanged by the information presented in the SEI Report).
- 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 offence³ to interfere with Golden Eagle nests or prevent any wild bird from using its nest in Scotland.

² Restoring Upland Nature (RUN) South of Scotland Golden Eagle Project (SSGEP) [golden eagle strikes Galloway wind farm](#)

³ 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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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 eagles²/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.

4.2.8 16 Feb 2026 RUN object, estimating “1 eagle collision every 2.8 years or 14 over the 40 year operational life of project. To put this in context, this collision risk is greater than the total estimated collision risk from all the other 41 wind farms in the whole of the rest [of] the South of Scotland put together.”

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 [7 Feb 2024](#)

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.

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

Objection submitted for the following (similar grounds to Peebles Civic Society):

6.1 [26/00107/FUL](#) – Installation of InPost Parcel Locker (retrospective) – Post Office Store 25 Rosetta Road. On exterior wall, Rosetta Road.

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This appeal was dismissed (one final Kingsmeadows application remains, see 2.1)

6.2 [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

6.2.1 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.

6.2.2 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 m³/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 flaws⁴ in all developer assessments. Unacceptable tree loss requires refusal.
- [Community’s expert ecologist reports](#) serious ecology flaws⁵, 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).

No ongoing interest to PCC:

6.3 [26/00010/TCA](#) – Work to trees – 13A Northgate Peebles. Prune Rowan tree, reducing by one third to keep it an appropriate size for garden.

⁴ Missing AIA (i.e. tree loss not shown), missing AMS (i.e. road construction appears impossible), wrong site, etc.

⁵ Otters significantly under recorded, bat impact demonstrably not assessed, no HRA, questionable bird survey, etc

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- 6.4 [26/00018/FUL](#) – Extensions and alterations to dwellinghouse – 78 Kingsland Square. Single storey extension to rear and 2 storey extension to front.
- 6.5 [26/00023/FUL](#) – Installation of rooflight and replacement front door – Lavender House 2 Montgomery Place. Peebles Civic Society have no objection.
- 6.6 [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.
- 6.7 [26/00083/TPO](#) – Work to trees – 3 Morning Hill.

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