

# **Peebles & District Community Council**

## **Planning Report**

### **Wed 8 October 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.

#### **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 Planning Act & Habitats Regulations?**  
(See section 5.0 below for details and references.)
  - 1.5.1 SBC 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.”  
PCC is concerned that, given the lack of Habitats Regulations Appraisal (HRA), the recent South Parks storage permission might not have been granted lawfully. **Awaiting promised review outcome.**
  - 1.5.2 The Environmental Rights Centre for Scotland asked SBC to explain the lack of HRA in respect of Kingsmeadows. ERCS also formally complained at the lack of response. **Awaiting response to ERCS.**
  - 1.5.3 The play area at Ballantyne Place is protected by a condition of the original 2002 permission for 28 homes. Planners appear not to have the power to change that condition now those 28 homes are built.  
PCC have asked SBC to clarify the law and reject the application to build on the play park on that basis (or restart the consultation).  
**Awaiting response from SBC Legal Services promised 14 Aug 2025. Meeting requests unanswered.**
  - 1.5.4 An FOI request identified 10 planning permissions granted within the last 2 years modifying conditions on completed developments. PCC have asked SBC Legal Services whether this is within SBC’s power.  
**Awaiting response from SBC Legal. Meeting requests unanswered.**
- 1.6 **Place Making** – 1<sup>st</sup> meeting of SBC’s Place Making Peer Support Network took place on 1 Oct 2025. Subject to approval, PCC’s concern that LPPs should result in meaningful change will be fed into the Scottish Govt’s review of LPPs (see section 6.0).

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**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, [24/00031/FUL](#) & [24/00247/FUL](#) Awaiting decision**
- 2.1.1** Circa 250 objections, including from this Community Council.
  - 2.1.2** 9 Dec 2024 [planning committee refuse](#) 24/00030/FUL.
  - 2.1.3** 20 Dec 2024 [PCC submission](#) calls for rejection of 24/00031/FUL & 24/00247/FUL for consistency with 24/00030/FUL.
  - 2.1.4** 18 Jun 2025 applicant submits new statement re: 24/00247/FUL
  - 2.1.5** 30 Jun 2025 applicant submits new statement re: 24/00031/FUL
  - 2.1.6** 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.
  - 2.1.7** 14 Jul 2025 [SBC refuse to publish ERCS letter](#) but promise a reply.
  - 2.1.8** 15 Jul 2025 SBC consult NatureScot and SBC's Ecologist.
  - 2.1.9** 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.
  - 2.1.10** 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."
  - 2.1.11** 21 July 2025 [PCC objects](#) based on NatureScot & Ecologist replies
  - 2.1.12** 29 July 2025 [Peebles Civic Society objects](#) based on NatureScot & ecologist consultation responses.
  - 2.1.13** 15 Sep 2025 [ERCS complain no response to 9 Jul 2025 HRA letter](#)
- 2.2 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](#)).**
- 2.2.1** We believe the public opposes applications to build on play areas.
  - 2.2.2** 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).
  - 2.2.3** 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.
  - 2.2.4** 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](#).
  - 2.2.5** 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.
  - 2.2.6** SBC refused to delay consultation. SBC Legal clarification awaited.

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- 2.2.7 [Freedom of Information response](#) indicates SBC might regularly act outwith its powers under the Town and Country Planning Act by issuing section 42 permissions where development has completed. Awaiting response from SBC Legal to [10 Sep 2025 letter](#).
- 2.3 [25/00904/FUL](#) – **Change of use from Class 4 to Class 10 (Educational School of Dance) – 3 Rowan Court Cavalry Park**. Fiona Henderson School of Dance requests a change of use to operate from Cavalry Park.
- 2.3.1 PCC believes there is widespread public support for this application which has received 47 support comments and 0 objections to date.
- 2.3.2 The applicant submits a thoughtful [planning statement](#) comprehensively setting out reasons for supporting the proposal.
- 2.3.3 PCC submitted a letter of support endorsing the reasoning set out in FHSD's planning statement in full.
- 2.3.4 [Approved for class 10 use as dance school only. Reverts to class 4 upon cessation of use as dance school. No other conditions of note.](#)
- 2.4 **Edderston Farm change of use to Events Venue** – [21/01327/FUL](#) – Awaiting decision. No change since 21 July 2023
- 2.5 **Twenty dwellinghouses, Land West of Horsbrugh Ford** – [19/00332/FUL](#). Development appears stalled.
- 2.5.1 Jul 2025 Eildon aware but site does not fit development profile. SBHA report risk and asking price prohibit involvement.
- 2.5.2 Jun 2025 The development plot is said to be back on the market as the previous developer has run out of funding.
- 2.5.3 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
- No action is recommended on the following, subject to PCC agreement:
- 3.1 [25/01289/FUL](#) – **Change of use to form holiday let accommodation – The Old School Elcho Street**. Change of use of residential dwelling to holiday let accommodation.
- 3.2 [25/01301/MOD75](#) – **Discharge of planning obligation pursuant to planning permission 18/00299/FUL – Tweeddale Kerfield Farm Innerleithen Road**. Discharge of section 75 agreement condition on basis payments were made in full on 20 Aug 2025.
- 3.3 [25/01320/LBC](#) – **Installation of 2no air source heat pumps – Northgate House 32 Northgate**. Listed building consent to match application [25/01096/FUL](#) (PCC agreed in August no action to be taken). Upgrade domestic hot water and heating system by replacing the existing gas boiler with two 12kW air source heat pumps
- 3.4 [25/01329/PNWIN](#) – **Replacement windows – 9 Bonnington Road**. Class 7A general permitted development. Replacement to be uPVC from timber.
- 3.5 [25/01366/TCA](#) – **Work to trees – Nithsdale 1 Venlaw Road**. Fell 1 Rowan tree causing damage to masonry boundary wall and paving.
- 3.6 [25/01377/FUL](#) – **Alterations and extension to dwellinghouse – 57 Glen Crescent**. Remove existing extension, new rear extension for garden room and associated landscape alterations.

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The planning convenor declares a personal interest in the following application:

- 3.7 [25/01327/TCA – Work to trees – The Lodge House Kingsmeadows](#).  
Emergency work to lop trees touching roof in conservation area.

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 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.
  - 4.1.2 31 Jan 2025 SBC Ecology Officer raises concerns re: golden eagles. Requests turbines 11-13 reduced in number or moved.
  - 4.1.3 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.
  - 4.1.4 14 Nov 2024 [PCC supports Leithenwater](#), subject to the advice of SSGEP & RSPB being followed.
  - 4.1.5 23 Oct 2024 [Belltown Power reject RSPB's request](#) "NatureScot did not raise any concerns" (see [NatureScot's advice](#) 15 Jul 2024).
  - 4.1.6 1 Aug 2024 landowner [Raeshaw Farms object](#), citing multiple NPF4 policy failures e.g. "policy [3 biodiversity] requirement for betterment"
  - 4.1.7 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.
- 4.2 [Scawd Law](#) – [23/00013/S36](#) / [ECU00002111](#) – SBC S36 decision deadline 4 Jun 2025.
- [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 8 May 2025 [PCC objects](#) on same grounds as SSGEP & other CCs
  - 4.2.2 25 Feb 2025 Further environmental information (FEI) submitted re: impact to eagles and the potential removal of turbines 7 & 8.
  - 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.

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<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](#)

<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](#).

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- 4.2.4 19 Sep 2023 [Rt Hon David Mundell MP objects](#).
- 4.2.5 20 Feb 2023 [Walkerburn and District Community Council paper](#).
- 4.3 **Cloich Forest** – [21/01134/S36](#) / [ECU00003288](#) – Awaiting decision.
- 4.3.1 6 Sep 2024 [Midlothian Council objects](#) on biodiversity, landscape and transport (route pinch points) grounds especially at Howgate.
- 4.3.2 2 Sep 2024 [Howgate Community Council](#) submissions
- 4.3.3 25 Apr 2023 SBC do not object provided Turbine 12 is relocated to a lower position within the site
- 5.0 Is SBC abiding by the [Planning Act](#) & [Habitats Regulations](#)?
- References for the summary in section 1.5 above:
- Habitats Regulations: Concerns re European Protected Species (EPS)
- 5.1 FOI request indicates South Parks decision [24/01016/FUL](#) appears to have been made without Habitat Regulations Appraisal (HRA), against advice in SBC's Technical Advice Notes on [bats](#) and [otters](#). Thus, that decision might not have been lawfully made. See [PCC 26 Feb 2025 letter](#) and SBC CEO [David Robertson's 4 Mar 2025 reply](#). **Awaiting outcome of promised review.**
- 5.2 9 Jul 2025 Environmental Rights Centre for Scotland asked [SBC to explain the lack of HRA](#) for Kingsmeadows [24/00031/FUL](#) & [24/00247/FUL](#) – in apparent contravention of [Habitats Regulations](#). 15 Sep 2025 [ERCS complained](#) that no substantive response received. See section 2.1. **Awaiting SBC response.**
- Planning Act: Concerns re permission for development already carried out
- 5.3 Planners appear to accept that request [25/00974/FUL](#) (to build on the Play Area at Ballantyne Place) cannot be granted while condition 4 of the original 2002 permission [02/01783/FUL](#) for 28 homes remains in place. Planners say it would be “normal practice” for them to remove condition 4 by issuing new “planning permission for the development of the houses already built and occupied in Ballantyne Place”. But permission for development already carried out ([section 33](#)) can only be granted where that development was carried out: without permission; granted for a limited period; or developed in breach of conditions – none of which appear to apply. (Section 2.2 outlines additional legal questions). **Meeting requests unanswered. Awaiting response from SBC Legal [promised 14 Aug 2025](#).**
- 5.4 [FOI request](#) identified 10 planning permissions granted by SBC within the past 2 years in respect of completed development – indicating that this is normal practice for SBC, despite being potentially unlawfully (similar issues to Ballantyne Place). **Meeting requests unanswered. Awaiting response from SBC Legal to [10 Sep 2025 request for explanation](#).**
- 6.0 Place Making

The first meeting of SBC's Place Making Peer Support Network took place on 1 Oct 2025, with 7 SBC officers, 2 members of [SCDC](#) and 9 members of Place Teams (Sam Coe and M Marshall from Peebles). The kick-off meeting focussed on



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training and resources (such as SBC funding) for developing a Local Place Plan (LPP) and included Q&A.

Given SBC's £50,000 consulting investment and the investment of time from PCC, PCT and Peebles Civic Society to prepare the [Peebles Place Plan](#), I shared my concern that the community's work should result in meaningful change<sup>4</sup>:

**Question / Comment**

I'm worried that communities' work on LPPs might not result in meaningful change in the LDP – based on two recent consultations: LDP2 and DPS Scheme.

1. **LDP2** in response to consultation comments on environment<sup>5</sup> (eg climate emergency not mentioned) SBC made only a handful of what they called "non-significant changes".

2. **DPS Scheme**. SBC approved its Development Plan Scheme (timetable for next LDP) 26 Jun 2025. In response to 60 public comments, SBC chose to add some dates to a couple of tables.

**References**

1. "No changes to chapter 8 'delivering sustainability and climate change agenda' as set out in the proposed local development plan, with the exception of the following, which are considered to be non-significant changes acceptable to the council"  
[DPEA examination LDP-140-3, [Issue 8 – Sustainability & Climate Change](#)]

2. "4.6 As a result of the public consultation on the Draft DPS, only minor amendments have been undertaken, this primarily included adding dates to tables 1 and 3 as mentioned above. Going forward, the DPS will be updated annually to take account of any comments received and any potential changes to the timeframe for bringing forward the new LDP."  
[[LDP: DPS 2025](#), SBC Director Corporate Governance 26 Jun 2025]

A response has been promised from Jess Houghton (SBC Planning).

Subject to PCC sharing the concern that the considerable investment of taxpayer funds and volunteer effort in preparation of LPPs should result in meaningful

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<sup>4</sup> While SBC are required to take registered LPPs into account when they prepare LDPs per [Section 16](#) (2) (a) (iii), the legislative requirement is to provide an [assessment of how](#) LPPs influenced LDPs and planning decisions – not to make sure they actually [do](#).

<sup>5</sup> SBC's 11-page summary of representations for issue 8 consisted of 100 bullet-pointed comments from 31 individuals and groups (including this CC).

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change, this will be fed into the Scottish Government's [Section 15B](#) LPP review (due to commence after 25 July 2026):

“15B Review of local place plans

(2) The report must, in particular, set out—

(e) an assessment of how the registered local place plans have influenced planning authorities'—

(i) preparation of local development plans for their district,

(ii) determination of applications for planning permission,”

(f) an assessment of—

(i) the impact and effectiveness of local place plans across Scotland,

(ii) whether further support to community bodies should be provided to prepare and submit local place plans.”

**7.0 Previous Planning Applications removed from report**

No ongoing interest to PCC:

7.1 [25/01110/FUL](#) – **Erection of replacement garage with garden room – Acharn, Glen Road**. Demolition of existing garage and construction of new garage with garden room.

7.2 [25/01180/TCA](#) – **Work to trees – 8 Dovecot Lade**. Rear garden tree works: 1) remove Leylandii to ground level; 2) reduce Birch canopy overhanging road by 1.5m to allow clear passage of traffic.

While the activity of this shop on the High Street remains of concern, the enforcement case has been closed and there are no live planning issues.

7.3 **Enforcement action (advertising regulations), 68 High Street – [24/00162/ADVERT](#)**. Enforcement status: case closed 9 Sep 2025 – No further action required. SBC Enforcement team noted that unauthorised advertisements were removed on 10 Apr 2025.

**7.3.1** Members of the public who wish to make a personal complaint may do so via [Consumer Advice Scotland](#).

Michael Marshall, PhD  
Planning Convener