



Community Council of the Royal Burgh of Peebles & District

7 October 2026

Dear fellow Community Councillors,

NatureScot confirm **Likely Significant Effect** of Kingsmeadows application [24/00247/FUL](#) on the River Tweed SAC

Yesterday, NatureScot confirmed re renewal planning applications for Kingsmeadows

“In our view, this proposal is **likely** to have a **significant effect** on all qualifying interests of the [River Tweed] SAC. Consequently, Scottish Borders Council, as competent authority, is **required to carry out an appropriate assessment** in view of the site’s conservation objectives for its qualifying interests” [e.g. salmon / otter].

Section 48 of the Habitats Regulations makes it unlawful to grant permission to any project with likely significant effect unless an appropriate assessment, based on expert reports, proves – beyond scientific doubt – that the project will not harm the protected species.

SBC’s objection to the Leithenwater wind farm on Monday is a case in point. One of the 5 reasons SBC objected to the wind farm (on the advice of planning officers) was that:

“Insufficient information has been provided to demonstrate that the siting and design of the proposed development will not adversely affect golden eagles or their territories.”

Leithenwater had a complete EIA. Kingsmeadows, however, has no ecology, arboriculture, flood risk, or any of the other expert reports upon which appropriate assessment could be based. NatureScot say as a minimum it is mandatory that landscape / habitat management plan, Construction Environment Management Plan, Pollution Prevention Plan, Species Protection Plan, otter survey and HRA are completed **prior to determination**.

Yesterday’s confirmation of the need for HRA, and absence of reports it could be based on, appears to guarantee that SBC’s only lawful course of action is to refuse these applications.

Granton’s proposals do not comply with planning policies

You will recall that Granton Homes received Planning Permission in Principle (PPP) for flats behind Kingsmeadows House in March 2016, assessed against 2011 planning policy. This was renewed March 2021 without “revisiting the principle of the development”, i.e. without re-evaluating whether the proposals complied with updated planning policy (2016 LDP).

In 2022, after 509 objections, SBC refused permission to build for failing to meet 11 of the 14 conditions, and failing to comply with Environmental Policies EP1, 2, 3, 7, 9, 10 & 13 and Place Making & Design standards 2 and 5. This was a watershed in the planning authority’s understanding, and a landslide in terms of public opinion (certainly a record in Peebles).

Shortly before their PPP expired on 5 Mar 2024, Granton made 3 separate applications to renew PPP, choosing to use section 42 and legal arguments – rather than submitting ecology, arboriculture, flood risk and other expert reports and attempting to justify their proposals against strict new environmental policies within NPF4 (and updated LDP 2024).

24/00030/FUL, asking for renewal *justified by a single word typo* in condition 2, was refused 9 Dec 2024 as being contrary to NPF4 policy 6 and LDP 2024 policies EP11 and EP13. 24/00031/FUL, asking for renewal *with reduced protection of the woodland* in condition 7, was refused 23 Feb 2026 as contrary to NPF4 policies 6 & 7 and LDP 2024 policies EP7, EP9 and PMD2.

Granton threaten Court of Session if SBC revisit the principle of this development against current policy

SBC asked Granton to confirm they would withdraw third (final) application 24/00247/FUL as its wording is identical to that refused previously. Granton said no, requesting instead “that the outstanding application be taken forward to a formal determination as quickly as possible.” [Their solicitors said](#) “both previous decisions fell into legal error” as “there was no entitlement to revisit the principle of the ...PPP.” “In the event that the determination of application 24/00247 falls into the same legal error our firm recommendation to our client would be to proceed straight to appeal in the Court of Session.”

Will SBC protect the Tweed SAC and this Ancient Woodland? Or allow Granton to renew permission regardless of impact/policy?

NatureScot also confirmed recently that the woodland at Kingsmeadows, including the site of the proposal, is ancient woodland. NPF4 policy 6 prohibits any loss of ancient woodland “Only small remnant ancient semi-natural woodlands remain in the Scottish Borders, only 608 ha of ancient semi-natural woodland (0.13% of the land area).” [\[Forest Research\]](#)

Confirmation of Ancient Woodland status is a sea-change in our understanding of just how precious this site is. This prompted [Woodland Trust Scotland](#) to object – something they rarely do. Not one of Granton’s planning applications, and not one of their expert reports, revealed the woodland as ancient in over ten years of planning applications. This glaring omission calls into question the validity of Granton’s expert reports – and their expired PPP.

The [expert forestry](#) and [expert ecology](#) reports attached to PCC’s Dec 2025 objection point out additional, fundamental problems with Granton’s reports. Our forester, for example says “I believe that there is no feasible way to construct the access road ... without losing the majority of the trees in the vicinity, either through direct loss or subsequently as a result of damage caused.” He goes on to say that if an Arboricultural Method Statement (AMS) had been provided (as the landscape architect asked for) “it would have been obvious at that stage that it simply couldn’t be done and consent should never have been granted.”

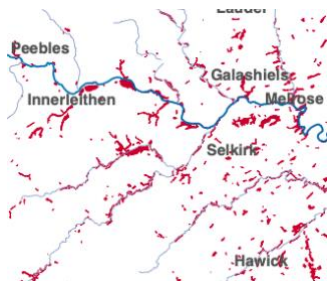
The purpose of Habitats Regulations Appraisal (appropriate assessment) is to ensure that the full impact of proposals on our most important ecological systems such as the Tweed SAC are fully known prior to determination. Without proof of no harm, beyond scientific doubt, approval is unlawful. Because appropriate assessment can lead to refusal, it necessarily involves reappraising the principle of development (against current policy).

This reappraisal has already been done. SBC have already determined that the wording in these proposals is incompatible with the policies in NPF4 and LDP 2024 – with refusal necessary to protect the Tweed SAC and this ancient woodland.

Michael Marshall, PhD
Planning Convener

Restoration of ancient woodland an environmental priority, say SBC

Sometimes we need a reminder of just how precious the things we see every day are.



“It is estimated that only 1.4% of the total woodland area comprises **remnants of ancient and semi-natural woodland** (see Map 3). This **represents only 0.26% of total land area and compares unfavourably with other parts of Scotland**. These fragments are characterised by their small size and are frequently associated with steep inaccessible slopes along watercourses. Many are degraded through long term overgrazing. Nonetheless they have an intrinsically high biodiversity value. **Restoration of at least part of this lost resource is now an environmental priority.**”

[[Scottish Borders Woodland Strategy](#), SBC, page 17]

Riparian woodland in good condition is exceedingly rare

“Scotland’s rivers and streams span 125,000km, approximately 12.5 times the length of our coastline, and act as vital habitats and connectors across landscapes. Riparian woodlands are fundamental to healthy river systems, with numerous benefits for society and biodiversity including: stabilising riverbanks (increasing bank stability by 32-71%), filtering runoff and increasing water quality (capturing up to 100% of sediment, 90% of nitrogen and 93% of phosphorus), regulating water temperature and flow providing flood and drought resilience (up to 60% reduction in peak water discharge), storing carbon (riparian woodland stores more than triple the unforested carbon stock), supporting aquatic food webs and habitat for fish and invertebrates, and creating connected green corridors for biodiversity. Effective river management is critically important as interventions can have far-reaching impacts across the wider landscape; any actions taken upstream directly affect land downstream. **A healthy river is a wooded river, and restoring riparian habitats is essential to reversing the widescale degradation of Scotland’s waterways.**”

“Current Situation – Habitat status in Scotland (April 2026). Riparian woodlands are vital for healthy river systems, yet Scotland’s rivers remain widely degraded. SEPA assessments from 2015-16 found that [56% of riverside habitats were in poor ecological condition](#), with little or no tree cover or complex vegetation. Additionally, more recent analysis by [NatureScot in 2023](#) found that only 19% of riverbanks are currently wooded.”

[Scottish Wildlife Trust, [Habitat update – riparian woodland](#)]

Riparian habitat pressures on wild Atlantic salmon in Tweed SAC

“Riparian (river-side) habitat affects water quality, temperature, food availability and channel shape and structure. **The loss of natural riparian woodland can increase temperatures and have other detrimental impacts.**” “Salmon require clean, well oxygenated water to thrive. Point source and diffuse pollution can cause direct mortality, or stress that affects subsequent growth and survival. Fine sediment can alter the suitability of habitats and suffocate eggs.” “Salmon are a cold water adapted species that are highly sensitive to river temperature.” “During the warm summer of 2018, about 70% of Scotland’s rivers experienced temperatures that could cause stress in salmon.” “Pressures do not operate independently of one another but act in conjunction to negatively impact salmon survival and can be amplified by climate change effects.”

[[Scottish wild salmon strategy](#), Scottish Government]