From: Dods, Ranald <Ranald.Dods@scotborders.gov.uk>
Sent: 08 Oct 2026 12:34:34
To: idoxdmslive@scotborders.gov.uk
Cc:
Subject: 24/00247/FUL - Section 42 for grounds of Kingsmeadow House - NatureScot response
Attachments:

From: informed@planning.nature.scot <informed@planning.nature.scot>
Sent: 06 October 2026 12:52
To: Dods, Ranald <Ranald.Dods@scotborders.gov.uk>
Cc: Stuart Macpherson <Stuart.Macpherson@nature.scot>
Subject: 24/00247/FUL - Section 42 for grounds of Kingsmeadow House - NatureScot response

CAUTION: External Email

Our ref: 106938

Your ref: 24/00247/FUL

Dear Ranald

Thank you for consulting NatureScot on the s42 proposal at Kingsmeadow. We initially responded in July 2025, but this consultation allows us to update our advice, which focusses on the River Tweed Special Area of Conservation (SAC). A summary of our separate advice on Ancient Woodland is also provided.

This proposal could be progressed with appropriate mitigation. **Because it could affect internationally important natural heritage interests, the proposal requires to be made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in our appraisal below, including:**

- Impacts of variation to conditions 2 and 7 need to be considered, with potential requirement for submission of a landscape / habitat management plan.
- Requirement for a Construction Environment Management Plan / Pollution Prevention Plan
- Species Protection Plan informed by updated otter survey

These measures, and the HRA itself, should be completed prior to determination of this application.

Appraisal

River Tweed SAC

The proposal is close to the River Tweed SAC, designated for its fish, otter and habitat. The river is further notified as a Site of Special Scientific Interest (SSSI) for its vascular plants and aquatic invertebrates.

In our view, this proposal is likely to have a significant effect on all qualifying interests of the 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. We advise that, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site.

Variation to Condition 2 and 7 and implications for the SAC

The s42 application requests full permission for the proposal set out in application 19/00182/PPP subject to variation in condition 2 and condition 7. Variation of condition 2 appears relatively minor, but the implications on the SAC should still be considered in the appropriate assessment.

Since our initial response, the Council's ecology officer raised concerns about condition 7, specifically: loss of a no-development buffer (required to protect the River Tweed SAC); a contradiction between a revised condition 7 and condition 13 (making it difficult to provide an appropriate level of habitat management along the river); the possible impact of fencing or other garden divisions on otter and possibly water quality. Other typical garden infrastructure may also apply to this last point. The conclusion of the Ecology Officer is that 'any application for such fences would likely fail [an] HRA/Appropriate Assessment because of potential impacts on otter'.

The Ecology Officer has raised reasonable concerns about variation of condition 7 which need to be considered further. It would be appropriate for the applicant to submit a landscape / habitat management plan or similar to demonstrate how the area along the riverbank will be managed in the long term in a manner that secures a suitable ecological corridor and does not otherwise compromise the interests of the SAC.

Construction Environment Management Plan / Pollution Prevention Plan

A CEMP / PPP which is in accordance with SEPA guidance (available on the SEPA website) and includes site specific measures to avoid the risk of impacts on the species and habitat for which the site is designated, is produced with implementation secured through planning conditions. These measures should ensure there is minimal direct disturbance of the qualifying features and protect against adverse indirect impacts on important ecological requirements such as on water quality, water flow and/or river channel substrate.

Please note that we do not wish to be consulted on the detailed CEMP/PPP; we are content that Scottish Borders Council ascertain that this is adequate, with advice from SEPA if necessary.

The appraisal we carried out considered the following:

- Supporting habitat for the qualifying species. The standard mitigation measures ensure that there will be minimal direct disturbance of the species' supporting habitat.
- Water quality. The qualifying features require good water quality and the mitigation measures ensure that construction will not lead to a deterioration in water quality that would affect the qualifying features.
- River flow. The mitigation measures will not lead to changes in water depth or water flow that would otherwise risk adversely affecting the qualifying features.
- Channel form and substrate. The mitigation measures will ensure that the channel's morphological diversity and substrate composition will not be adversely affected. The natural functioning and morphology of the river channel are key elements supporting the species' habitat.

Species Protection Plan

There is a strong likelihood that otter will be in the vicinity of the proposal site, including the possible presence of holts. An Ecology Baseline Report from 2019 was submitted in support of proposal 19/00182/PPP. We consider that this survey is now out of date and that the appropriate assessment should be based on updated survey information.

Our general advice is that otter surveys remain valid for up to two years only. Otter populations can change relatively quickly, requiring submission of fresh survey data in this case to inform the appropriate assessment.

A new otter survey should be carried out, with the subsequent report including a species protection plan to ensure that the construction methodology does not compromise the interests of otter. Other protected species should be considered similarly, notably bats and badger, although that is not within the scope of the HRA. Depending on survey results, a license from NatureScot may be required to disturb protected species.

River Tweed SSSI

Measures discussed in the appropriate assessment will be adequate to protect the River Tweed SSSI.

Ancient Woodland

On 14 September 2026 we responded to a consultation from Scottish Borders Council and considered that historic map evidence for the grounds of Kingsmeadow House was consistent with ancient woodland. That advice was based on the 1823 (John Wood) map of the area and subsequent maps showing consistent woodland coverage. We have not visited the site to consider its current condition. In planning terms, Ancient Woodland is addressed through NPF4, policy 6.

Yours sincerely

Stuart Macpherson

Operations Officer

stuart.macpherson@nature.scot