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**From:** Stuart Macpherson <Stuart.Macpherson@nature.scot>

**Sent:** 16 July 2025 12:41

**To:** DCConsultees <dcconsultees@scotborders.gov.uk>

**Subject:** 24/00247/FUL - Variation to Conditions 2 and 7 of 19/00182/PPP, Kingsmeadow House - NatureScot response

**CAUTION:** External Email

Dear Ranald

Thank you for consulting NatureScot on this proposed variation to planning conditions applied to application 19/00182/PPP. The conditions in the 2019 application currently require:

2 – all matters specified as conditions to be approved by Scottish Borders Council prior to commencement of development  
7 – the first application for matters specified as conditions to be supported by a plan to define management of the wider garden and policy grounds of Kingsmeadow House.

24/00247/FUL seeks to amend the wording of Condition 2 to clarify its meaning and seeks to reduce the extent of Condition 7 such that a management plan would cover woodland only.

19/00182/PPP was for the construction of a residential property adjacent to Kingsmeadow House, Peebles. The application boundary is close to the River Tweed Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The SSSI and SAC are both designated for their fish species, otter and river habitat. The SSSI is further notified for its vascular plants and aquatic invertebrates. Advice is given on the residential development itself, although the 2019 application is not strictly the subject of this consultation. Advice is then given on changes to the wording of planning conditions 2 and 7.

#### Advice on Construction of the Residential Development

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 that mitigation.**

In our view, this proposal is likely to have a significant effect on the River Tweed SAC. Consequently, Scottish Borders Council, as competent authority, would be required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. We advise that, if a suitable Construction Environment Management Plan / Pollution Prevention Plan is produced and implemented in full, the proposal will not adversely affect the integrity of the site.

The Construction and Environment Management Plan/Pollution Prevention Plan must be in accordance with SEPA guidance (available on the [SEPA website](#)) and include site specific measures to avoid the risk of impacts on the species and habitats for which the site is designated. The following site-specific measures will also be required:

- Site Facilities – the extent and location of construction site huts, vehicle equipment, etc, and materials compound including details of any chemicals and/or fuels should remain within the identified site boundary.
- Sediment Trapping – bunds, straw bales or another suitable sediment trapping barriers (e.g. oil spill booms) should be placed along the boundary of the site nearest the watercourse.
- Site Drainage – any drainage created on site must not directly enter a watercourse. Adequately sized settlement ponds/silt traps should be used prior to drainage reaching the watercourse, and maintained throughout the duration of the works.
- Watercourse Buffer Strips – water courses will have buffer strips retained where no works take place. A buffer strip of 10 metres is advised.
- Vehicle Movements Across Wet Areas – where vehicle movements are required across wet areas, the ground should be protected by using matting or other suitable material (e.g. brash mats, wooden boards, etc.) to prevent the ground from being churned up.

- Exposed Embankments/Earth – stripped turfs should be carefully stored to ensure the vegetation survives, and used to surface any exposed embankments/earth once works are complete.
- Topsoil Stripping – in order to minimise the area of ground exposed at any one time, general topsoil stripping of the whole area should be avoided. Instead, localised strips should be taken as required.
- Soil Stockpile – the works should be programmed such that the volume of soil stockpiled at any given time is kept to a minimum. All stockpiles to be located as far away from the watercourse as practical, and should be kept covered.
- Removal of Water From Excavations – any sump should be formed in the corner of the excavation and water pumped out at a low rate to a temporary settlement basin. Once settlement has occurred, clean water from the settlement basin should be allowed to slowly flow over vegetated land into the watercourse.

For clarity, since the 2019 application is in principle only, any full planning permission would need to be supported by a suitable Construction and Environment Management Plan / Pollution Prevention Plan, with implementation secured under planning condition.

#### Variation of Condition 2

This aspect of the proposal is more a matter of planning procedure than nature conservation. The ultimate meaning of Condition 2 appears to be unchanged by the variation and still requires submission of all plans for approval by Scottish Borders Council before commencement of development. We support that meaning. Although the 2019 application has connectivity with the River Tweed SAC, there is no likely significant effect associated with the current (2024) application and an HRA is not required.

#### Variation of Condition 7

The application seeks to change the wording of Condition 7 such that a management plan would relate solely to woodland within the grounds of Kingsmeadow House and not to the wider garden grounds. The boundary of the River Tweed SAC extends about 7 m outwards from the bank of the river, which means that there is connectivity between the current (2024) planning application boundary and the SAC. In practice, however, standard grounds maintenance operations have limited impact on the SAC. NatureScot has no opinion about future changes to the maintenance regime, provided they do not damage the structure of the riverbank or riverbed, or cause pollution or siltation. In the context of the SAC, therefore, changing the wording of Condition 7 has no likely significant effect and an HRA is not required.

Yours sincerely

Stuart

**Stuart Macpherson | Area Officer**

**NatureScot** | SPPA building | Tweedbank | Galashiels, TD1 3TE | 01738457069

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