



Woodland Trust Scotland
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Mr John Hayward, Chief Planning & Housing Officer
Planning & Building Standards
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

14 September 2026

by email to JHayward1@scotborders.gov.uk

Dear Mr Hayward,

Planning Application 24/00247/FUL –Application under Section 42 to vary conditions of Planning Permission in Principle (19/00182/PPP) at Kingsmeadows House, Peebles

I am writing on behalf of Woodland Trust Scotland in my capacity as Policy and Advocacy Manager, having visited the site in question recently, regarding the ongoing proposals for residential development in the grounds of Kingsmeadows House, Peebles, and specifically the outstanding Section 42 application (ref: 24/00247/FUL).

Woodland Trust Scotland noted with interest the recent confirmation by NatureScot on 10 August 2026 (by email to Peebles Community Council) that “this woodland should be treated as ancient, based on its presence on the historic maps.” It is indeed the position of NatureScot that “Woods not shown on the Ancient Woodland Inventory, but present on the historic maps, are likely to be ancient and should be treated as such unless evidence is available to the contrary.”

While Woodland Trust Scotland has not hitherto actively engaged with planning issues at this site, I wish to highlight a fundamental planning principle on behalf of our organisation regarding the statutory baseline under which this proposal –and any subsequent applications for Kingsmeadows –must be evaluated.

The original planning permission in principle for this site was established under a legacy planning regime. In the decade or more since the initial framework for this development was considered, both the local environment and the statutory planning landscape in Scotland have fundamentally shifted. It is no exaggeration to say that the way we all engage with questions of environment and climate have changed fundamentally in the past decade. Most significantly, Scotland has formally declared both a Climate Emergency and a Nature Emergency, establishing clear statutory obligations to halt biodiversity loss and protect our vital natural carbon sinks.

In law, planning applications –including applications under Section 42 seeking to vary conditions or extend timeframes –must be determined in accordance with the statutory Development Plan in force at the time of the decision, as required in Section 25 of the Town and Country Planning (Scotland) Act 1997. An historic outline planning consent does not confer a permanent legacy exemption from modern standards, nor does it create a binding baseline when national legislation and local policies have evolved.

With the adoption of National Planning Framework 4 (NPF4) as part of the statutory Development Plan, the bar for protecting trees and native habitats has been significantly raised:

- NPF4 Policy 6 (Forestry, woodland and trees): Policy 6 explicitly seeks to protect and expand tree cover, stating unequivocally that development proposals will not be supported where they will result in the loss of, or adverse impacts on, ancient woodland, veteran trees, or woodland of high nature conservation value.
- Furthermore, NPF4 places the climate and nature crises at the heart of every planning decision, requiring proposals to demonstrate net gains for biodiversity and align with modern flood risk and environmental mitigation standards.

Where an applicant seeks to prolong, modify, or re-establish permissions granted under superseded rules, the planning authority is obliged to approach the proposal through the lens of current policy. An expired or expiring outline consent from an earlier policy era, and a different world in terms of our understanding of nature and climate, cannot be used as a procedural mechanism to bypass current statutory protections.

I do not think this will be new information for SBC, given that SBC's Planning Committee has already accepted this principle, making reference to NPF 4's importance in an earlier refusal dated 16 December 2024. Reason 3 in that refusal by SBC reads: "The application is contrary to Policy 6 of National Planning Framework 4 in that the development would result in the loss of ancient woodland and cause ecological impact on trees of historical value."

On this basis Woodland Trust Scotland would strongly object to an application that attempts to revive permissions granted under obsolete policy regimes and urges Scottish Borders Council to uphold this principle strictly at Kingsmeadows. Any decisions taken today must reflect the reality of the climate and nature emergency, rather than the outdated assumptions of the past. The Council should ensure that proposals for this sensitive site are subjected to full, rigorous scrutiny under the current requirement NPF4 and the current Local Development Plan.



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We look forward to seeing Scottish Borders Council uphold these essential statutory principles to safeguard Scotland's woodland heritage, and we will be watching closely as things develop. We would be most grateful if you could please confirm that SBC accepts that a) this site is ancient woodland, and b) that NPF4 Policy 6 must be applied at Kingsmeadows before any new development permissions are granted, the previous permissions having expired in March 2024.

Yours sincerely,



Simon Ritchie
Policy & Advocacy Manager
Woodland Trust Scotland

CC

Councillor Simon Mountford, Chair, Planning Committee
Councillor Marshall Douglas, Vice Chair, Planning Committee
William Mohieddeen, Planning Committee Support Officer