

Scottish Borders Council's Screening Opinion

Our Ref; 21/01563/SCR

Location: Site In Grounds Of Kingsmeadows House Kingsmeadows Kingsmeadows Road Peebles

Proposal: Erection of 14no apartments and 5no dwellinghouses and associated access

This response constitutes the Council's formal Screening Opinion and the written justification for its determination that an EIA is not required in this instance. In coming to this determination the Council has considered four key questions and these are commented on below:

1. Does the development fall within Schedule 1?

The EIA Regulations state that all types of development within Schedule 1 require an EIA. The proposal does not fall within Schedule 1 of the Regulations.

2. Does the development fall within Schedule 2 and if it does, does the development meet the relevant criteria in column 2 of Schedule 2?

The EIA Regulations state that development within Schedule 2 must be assessed as to whether it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location.

Schedule 2 developments:

- a) meet one of the relevant criteria or exceeds one of the relevant thresholds in the second column of the table in Schedule 2; or
- b) are located wholly or in part in a 'sensitive area' as defined in regulation 2 (1).

The most relevant threshold and criteria within Schedule 2 is Section 10(b) Urban Development Project – where the area of development exceeds 0.5 hectares.

For all Schedule 2 development the Planning Authority must make its own formal determination of whether or not EIA is required.

3. Does the development fall within a sensitive area?

As the development falls within a category listed in Schedule 2 of the Regulations, it must be screened for the need for EIA, if it falls within a sensitive area. In terms of the regulations 'sensitive area' means any of the following:

- Sites of Special Scientific Interest
- Land subject to Nature Conservation Orders
- International Conservation Sites
- National Scenic Areas
- World Heritage Sites
- Scheduled Monuments
- National Parks.

The site is not located in any sensitive area however it is directly adjacent to the River Tweed SSSI.

4. Is the development likely to have significant effects on the environment?

Circular 1/2017 sets out the considerations which need to be taken into account in determining whether an EIA is required. It is necessary to consider the nature of the development in combination with its proposed location or size, in order to determine interactions between a development and its environment and therefore determine whether a particular development is likely to have significant environmental effects. The following criteria are considered:

- characteristics of the development; and
- location of the development; and
- characteristics of the potential impact.

1. Characteristics of Development

The characteristics of development must be considered having regard, in particular, to:

(a) the size of the development:

The site extends to approximately 4.5HA. Whilst size is a consideration for screening, it is not in this particular case so significant in itself, that it would necessitate any inherent or automatic requirement for an EIA. Account should therefore be had to other relevant considerations within this screening exercise.

No precise information has been provided within the screening request regarding the siting of the development. It is understood that the proposed apartment development will utilise the location consented under application 19/00182/PPP to the east of Kingsmeadows House and that the further residential development is to be located to the south east within the woodland grounds of the site. Although the size of the application site is extensive, the size of the development is not, especially as the apartment block already benefits from an existing permission in planning permission in principle terms.

With suitable siting, scale, design and landscaping, the development would not be likely to be excessive relative to the surrounding landscape or settlement boundary and would not reasonably be characterised as being significant within the context of this screening exercise. The location of the development within the settlement boundary and previous planning application decisions are also taken into account in relation to the environmental impacts of size.

(b) the cumulation with other development:

The site is not allocated within the Local Development Plan. The site is located within the settlement boundary and its primary current land use is residential. Its positioning within the urban environment means that the site is located next to a mixture of uses which include; Cavalry Park Business and Industrial Estate, residential uses, educational uses and open space. While there is a mixture of uses within the surrounding area. This development matches the predominant land use of this part of the town which is residential. Care has to be taken to avoid any conflicts, particularly with the industrial

and business use at Cavalry Park there are no reasons to require an EIA for reasons of cumulation, especially with appropriate siting, scale of building(s) and landscaping.

(c) the use of natural resources:

The impacts of any renewable or low carbon technologies should be quantified in any submission, including building construction, materials for hardstandings and parking etc. Although there will be a net loss of some open space and potentially woodland, this would not, in itself, be so significant as to be reasonably characterised as a significant environmental effect.

(d) the production of waste:

No details of foul or surface water drainage have been submitted or mentioned. In particular these services could impact on the qualifying interests of the River Tweed SSSI (including during the construction phase). Full details of all drainage should be submitted with the planning application and SEPA would be consulted. Drainage from the development could have impacts on the environment and it would be expected that mitigation would be put in place to minimise impacts on the water environment. It would then be considered that adequate and effective drainage should be achievable without harming the environment.

(e) pollution and nuisances:

There are several sources of potential pollution and/or nuisance:

- i. air quality, odour, noise and dust from the construction period and from any fuel sources;
- ii. water environment from the construction, operation and any waste storage;
- iii. noise, odour and air quality from vehicles, equipment, plant and machinery as well as operation of the uses, especially the industrial uses etc
- iv. road safety and traffic congestion from increased vehicle movements to and from the site;
- v. light pollution from the development
- vi. vermin and insects in relation to waste storage on site

These issues do not, as a consequence of their level or amount, reasonably demonstrate any inherent or automatic requirement for an EIA; at least in the absence of any consideration of the particular circumstances at the site and in the surrounding area. However, account does still reasonably need to be had to site-specific circumstances within the assessment of the potential significance of the proposal's environmental effects. This is considered below, with respect to item 3.

(f) the risk of accidents, having regard in particular to substances or technologies used.

There is nothing inherent within the proposal that would reasonably indicate any propensity towards accidents or mismanagement within its operation, apart from the operational risks involved with varying industrial uses and increased traffic generation interacting with a busy trunk road. However, the concern here is whether or not the siting and operation of the proposals, would in themselves, be liable to promote a risk of accidents, having regard to the substances or technologies involved.

The nature of the development would not necessarily increase the amount of hazardous substances or technologies at the site and within the surrounding area. It is not considered that there is reason to seek an EIA based upon the likely risk of accidents.

Location of Development

The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular, to:

(a) the existing land use:

The site is within the grounds of Kingsmeadows House. The development would further increase the density of residential development at this site however it will not change the land use or result in a residential development of a scale which is so significant to warrant an EIA.

(b) the relative abundance, quality and regenerative capacity of natural resources in the area:

As (a) above.

(c) the absorption capacity of the natural environment, paying particular attention to the following areas:

- (i) wetlands;
- (ii) coastal zones;
- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
- (vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
- (vii) densely populated areas;
- (viii) landscapes of historical, cultural or archaeological significance.

The site does lie within a large populated town within the Scottish Borders. However the location of the development itself is not a densely populated area under (vii). The site is located within a setting of historical significance under item (viii) owing to its location within the grounds of Cat B Listed Kingsmeadows House.

Designated sites

The site is immediately adjacent to the River Tweed SAC/SSSI. *NB: No detailed response has been received from our Ecologist who since the submission of this screening request has went on secondment at short notice. Previous advice received from our Ecology Officer is consultation responses for other proposed residential developments within the grounds of Kingsmeadows have been consulted screening exercise to consider the impact on biodiversity and protected species.*

The qualifying interest of the River Tweed SAC is: River lamprey, *Lampetra fluviatilis*, Brook lamprey *Lampetra planeri*, Sea lamprey *Petromyzon marinus*, Atlantic salmon, *Salmo salar* Otter *Lutra lutra*. Water courses of plain to montane

levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation (Rivers with floating vegetation often dominated by water-crowfoot)

There is potential connectivity to the River Tweed SAC. Impacts may arise through surface water run-off, sediment and pollution and drainage.

Non-designated sites

There are no known Local Wildlife Sites (LWS) or provisional or potential Local Biodiversity Sites (LBS) that may be directly affected or sites known to support regionally important populations of species at this location.

Other habitats

The surrounding habitat (ancient woodland of semi-natural origin and River Tweed) provide habitat of high suitability for foraging and commuting bats. The adjacent woodland may support bat roosts in trees. There are opportunities to enhance habitats under a Landscape and Habitat Management Plan. This could include safeguarding species rich grassland habitat and providing a woodland/scrub buffer between the development area and the Borders Woods SAC.

Protected Species

There is potential for protected species to be affected by the proposal. During 19/00182/PPP a badger set was identified. Otters are likely to be active foraging and commuting in the adjacent river. Habitats that may support breeding birds may be affected by the development.

Surveys and assessment of impacts on bats, badger and breeding birds will be required under a proportionate Ecological Impact Assessment (EiA). The Preliminary Ecological Appraisal (PEA) will identify any additional survey requirements.

The proposal offers habitat enhancement opportunities including small native woodland and species-rich hedgerow. Woodland creation should include lowland oakwood or lowland mixed deciduous species (oak, downy birch, holly and hazel) of local provenance in accordance with FCS guidance.

Habitat Regulations Appraisal

The proposal is not connected to the conservation objectives of the site. There is potential connectivity to the Natura sites (River Tweed SAC). A proportionate HRA will be required.

Previous residential developments at this site were considered to be unlikely to have a significant adverse effect on any designated sites, provided the mitigation and measures proposed in the additional information submitted are implemented. The further ecological impact pose by the additional development (i.e. 5 new houses and associated works) are unlikely to be so significant to require an EIA based on biodiversity impacts. Nevertheless biodiversity impact will be required to be addressed within any forthcoming application under a proportional Ecological Impact Assessment. When an application is lodged the Planning Authority will be seeking specialist ecological advice to assist with the consideration of the impacts of the development on biodiversity which are posed by this proposed development.

Given that EIA Guidance allows consideration to be given by the Planning Authority to proposed mitigation to alleviate environmental effects, the additional information demonstrates that it will be unlikely that there will be any significant adverse effects on the protected sites. For these reasons, there would be no ecological reason to

seek an Environmental Impact Assessment, albeit an Ecological Impact Assessment would still require to be submitted:

<https://www.cieem.net/ecia-guidelines-terrestrial-> The EcIA should be informed by an initial Preliminary Ecological Appraisal (PEA) <https://www.cieem.net/guidance-on-preliminary-ecological-appraisal-gpea->. A desk-top study should be informed by a search of the biological records available from The Wildlife Information Centre (<http://www.wildlifeinformation.co.uk/contact.php>). The EcIA should include an assessment impacts on the ecological interest identified above.

A CAR licence for construction sites will be required from SEPA.

The Landscape Officer notes that Kingsmeadows House and grounds are designed landscape as detailed in SBC survey of Gardens and Designed Landscapes carried out in 2008 by Peter McGowan and Christopher Dingwall., it is described therein as *'a small confined wooded DL on the S bank of the Tweed close to the centre of Peebles on its E side that forms an important component of the setting of the town.....Acts as a green buffer to development of S riverside with housing and industrial development to E. It is regarded as of outstanding local significance.'* Its importance is also recognised by its inclusion in the Peebles conservation area which aims to preserve or enhance the special architectural or historical character and appearance of the Conservation Area.

The development would require a full arboricultural impact assessment (AIA) carried out both for the site of the houses but also the new access road, which appears to have moved eastwards from where it was proposed in the earlier applications. The drainage proposals have potential to further impact on the trees and these should be taken into consideration as part of the AIA.

Our Heritage and Design Officer notes that Kingsmeadows House is a Category B listed building of special architectural and historic interest as a major example of a well-composed Classical country house of the late 18th century, illustrating well historic ways of living and designing. Characteristic of its type and period, the building has a strong connection with its associated historic landscape. The historic landscape therefore contributes to the setting (and therefore special interest) of the Category B listed building, particularly with respect to its overall landscape character and designed views on approach to the main building.

The quality of this landscape is reflected in its local recognition as a historic landscape in the 2008 area survey. This marks the historic landscape as a heritage asset in its own right. Over time, parts of the historic landscape have been lost to housing, with the core closest to the principal house being the most intact. The specific area in question was historically characterised by mixed woodland and leisure use, having been occupied by a bowling green from at least the mid-19th century. The area appears to retain this overall character today, though it is understood that the bowling green has fallen out of use.

Further, the site is located in the Peebles Conservation Area, and makes a positive contribution to its historic character and appearance as a notable historic estate. The historic characteristics associated with this, including the designed landscape, all make a positive contribution to the character of the Conservation Area.

The detailed details of the development will require careful consideration to seek to sensitively integrate with the historic character and significance of this site. This

should be undertaken through a masterplan exercise which includes assessment of historic and architectural significance, character analysis and landscape analysis.

Although there are issues that will have to be addressed, there are no reasons based upon landscape, heritage or visual impact to specifically seek an EIA. Supporting information will be required within any forthcoming application to demonstrate that the development can address heritage and woodland sensitivities at the site.

Our Archaeologist observes that there are no World Heritage Sites or Scheduled Monuments in the area of this proposed application so not a Sensitive Area as defined for an Environmental Impact Assessment from the archaeological point of view.

3. Characteristics of the Potential Impact

The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

(a) the extent of the impact (geographical area and size of the affected population);

Identification and definition of a geographical area within which impacts emanating from the proposal may be liable to be experienced at sensitive receptors as unacceptable environmental effects and as a direct consequence of their physical proximity are required.

Environmental Health have identified that a noise impact assessment may be required due to the relatively close proximity of neighbouring industrial units to the east. It is assumed that mains water and sewage systems would be utilised, any deviation from this could be dealt with by condition.

Account also needs to be had to impacts upon the road network, which may also affect the surrounding area. The Roads Planning Service advises that the proposal does not warrant a full Environmental Impact Assessment. However, a Transport Statement and Design and Access Statement as part of any full application will be expected to address any transport related issues associated with the proposal.

(b) the trans-frontier nature of the impact;

The potential for air quality and noise impacts would be associated with the area around the site but the roads and landscape impacts would be liable to affect an area beyond the confines of the site.

(c) the magnitude and complexity of the impact;

See responses to 3(a) and 3(b) above.

(d) the probability of the impact;

See responses to 1(f), 3(a) and 3(b) above.

(e) the duration, frequency and reversibility of the impact.

It would only be reasonable to suppose that the impacts of the development would be liable to be both long term and frequent however this is not grounds in itself to consider the environmental effects likely to be significant enough to require an EIA.

Conclusion

Having examined the proposal in relation to the relevant criteria in the Environmental Impact Assessment (Scotland) Regulations 2017 and the advice given in Circular 1/2017, it is considered that the proposed development does not require an Environmental Impact Assessment in this instance.

Whilst it is not considered that the environmental effects are liable to be so significant as to warrant a full EIA, there is still considerable potential for there to be environmental effects which may be unacceptable in their impacts upon the environment, local receptors, the site and/or the surrounding area. There is still a need for sufficient information to be provided in support of the planning application to enable these effects to be properly established and assessed by the Planning Authority.

Appropriate information and reports will be required as part of the processing of the application to address all identified concerns and environmental impacts.

Yours sincerely,

Scott Shearer
Peripatetic Planning Officer