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Head of Development Control  
Planning and Regulatory Services  
Council Headquarters  
Newtown St Boswells  
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27<sup>th</sup> March 2022

Dear Sir/Madam

**22/00422/AMC**

**ERECTION OF BLOCK OF RESIDENTIAL FLATS COMPRISING 14 NO UNITS WITH ASSOCIATED PARKING AND ACCESS**

**SITE IN GROUNDS OF KINGSMEADOWS HOUSE, KINGSMEADOWS, KINGSMEADOWS ROAD, PEEBLES, SCOTTISH BORDERS**

I am writing in order to **object** to abovementioned proposed development. Whilst I am writing to object as a member of the local community, I am also an experienced professional ecologist with 30 years experience of assessing the ecological impact of development proposals in the Scottish Borders.

My reasons for objection lie with the inadequate environmental information submitted in support of the application, which make it impossible for the planning authority to legally determine the application. I have reviewed the Ecology Baseline Report prepared by ITP Energised in November 2019 and the Bat Survey Report prepared by ITP Energised in September 2019 to inform this conclusion. It appears from the Scottish Borders Council Planning Portal that an updated report and confidential figure were provided to the Council on 17<sup>th</sup> March 2020, but this documentation does not appear on the planning portal so I have been unable to review this. I made a short visit to the site on 27<sup>th</sup> March 2022.

A detailed exploration of my **six** grounds for objection are provided below.

### **1. Absence of Habitats Regulations Appraisal**

The northern boundary of the site lies approximately 10 m from the River Tweed Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The Council's own screening opinion sent to the applicant on 8th November 2021 acknowledges potential connectivity to the River Tweed SAC and states that a proportionate Habitats Regulations Appraisal will be required.

Para 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) state:

- 48.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*
- (a) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and*
  - (b) is not directly connected with or necessary to the management of the site,*

*shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.*

No documentation has been submitted by the applicant assessing whether the proposed development is likely to have a significant effect on the SAC. **The Council are therefore unable to determine this planning application until a Habitats Regulations Appraisal of the development is undertaken.**

## **2. Inadequate ecological survey**

The Ecological Baseline Report for the site is a curate's egg. On first sight it appears to closely follow Good Practice Ecological Guidance set out by the Chartered Institute of Ecology and Environmental Management (CIEEM). On closer inspection however a number of omissions are identified while the ecological valuation of the site and impacts of the proposed development are understated.

### ***Bats***

Para 3.3.16 of the Ecological Baseline Report acknowledges that because the Preliminary Roost Assessment was carried out in June 2019, some potential bat roosts in trees could have been overlooked due to the trees being in full leaf. My site visit on 27<sup>th</sup> March 2022 (with leafless trees) confirmed this with at least three trees exhibiting cavities offering low and moderate bat roost potential [REDACTED] which were not identified in the Ecological Baseline Report. I am sure that a more systematic approach would reveal more trees within the development footprint (or within 30 m ) offering bat roost potential.

Planning Authorities should require adequate survey information to determine whether bat roosts are present, likely to be affected by the development and to fully consider potential impacts on bats prior to the determination of an application. **This has demonstrably not occurred with this application leaving the Council's decision-making open to challenge.**

### ***Red squirrel***

The Ecological Baseline Report seems to understate the importance of red squirrel on the site. No mention is made of the legal protection afforded to red squirrel in Section 2 of the report, and they are not considered in Section 5 of the report.

Red squirrels and their dreys are legally protected in Scotland by the Wildlife and Countryside Act, 1981 (as amended). This protection was strengthened by the Nature Conservation (Scotland) Act, 2004, and it is an offence to:

- Deliberately or recklessly kill, injure or capture a red squirrel;
- Deliberately or recklessly disturb or harass a red squirrel when it is occupying a place of shelter;
- Damage or destroy a red squirrel drey; and
- Deliberately or recklessly obstruct access to a red squirrel drey or otherwise deny a squirrel the use of its drey.

Red squirrel dreys are protected whether or not they are in use, as red squirrels can return to them intermittently.

Any development within 5 m of a red squirrel drey may require a licence from NatureScot due to the likelihood of disturbance of red squirrels occupying the drey. This exclusion zone extends to 50 m during the red squirrel breeding season (February to September inclusive).

Red squirrel are present on the site with a record reported on the Saving Scotland's Red Squirrels website (<https://scottishsquirrels.org.uk>) as recently as 9th October 2021. I have also been shown a photograph of a red squirrel on the site taken by one of the residents of Kingsmeadows House. My site visit on 27<sup>th</sup> March 2022 identified at least four squirrel dreys on the site or within 50 m of the site boundary. **While these dreys could be occupied by grey squirrels, no attempt has been made to survey squirrels on the site to allow an impact assessment of the development on red squirrel to be undertaken.**

### ***Breeding birds***

The desk study for birds (para. 4.1.11 of the Ecological Baseline Report) includes a number of species which are highly unlikely to have ever been recorded in Peebles. These include fulmar, long-tailed duck (both sea birds) and most bizarrely of all, a greater sand-plover, which has only been recorded in the UK on 19 occasions. As a result the entire desk study is called into question – are the desk study results actually for this site or have they been accidentally included for another site? If they were in the TWIC dataset used for the data search, I would have expected to see some commentary on these odd records.

During my site visit of 27<sup>th</sup> March 2022, I recorded a pair of stock dove exhibiting territorial behaviour on the site; these are listed on the Amber List of Birds of Conservation Concern (Stanbury et al., 2021).

### **3. Out of date ecological surveys**

CIEEM state that bat surveys are valid for up to **18 months** (CIEEM, 2019). Bat surveys at the site were completed in September 2019 meaning that 30 months have elapsed. Bat activity surveys will require to be undertaken again to assess the current status of the site for bats and their roosts. Bats are European Protected Species (EPS) and the Council's own Technical Advice Note for bat surveys clearly states that **before** considering whether or not to approve a planning application, Planning Authorities must establish whether EPS such as bats are present on development sites and what the implications of this might be.

### **4. Deficient impact appraisal of woodland habitats on the site**

The semi-natural broadleaved woodland on the site is assessed as being of only local value in the Ecological Baseline Report. No mention is made of the importance of this site in providing an ecological corridor along the River Tweed into the centre of Peebles and beyond. This is well illustrated in **Figure 1** overpage:

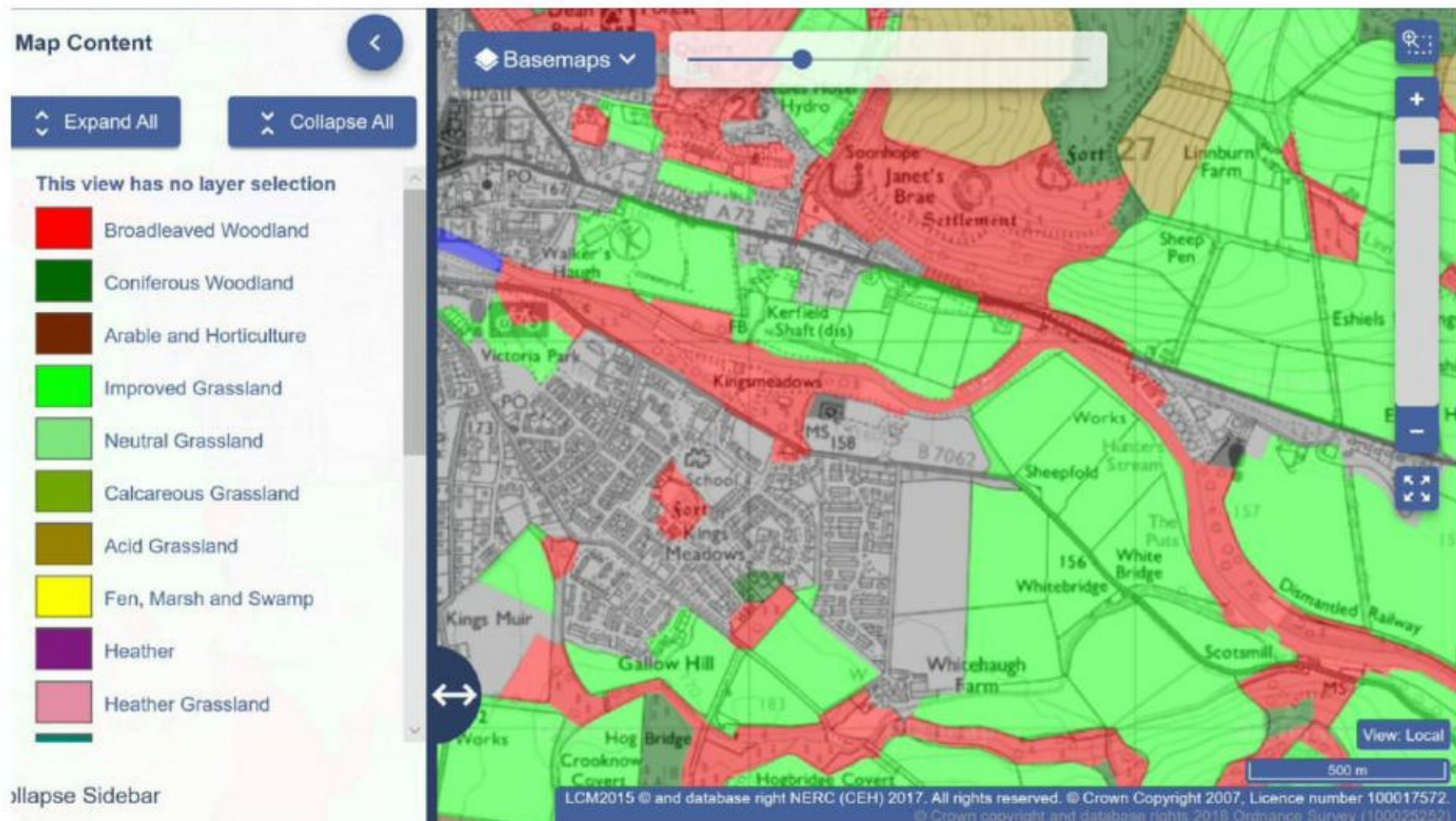


Figure 1. Land Cover Map data from the Centre for Ecology and Hydrology (2015)

The proposed development site lies in the centre of Figure 1 at Kingsmeadows. Clearly outlined in red on the map is a corridor of broadleaved woodland connecting Kingsmeadows into the town centre via Victoria and Whitestone Parks to the west, then downriver and across to the ancient semi-natural woodland at Janet’s Brae, then looping back around the town to link into further ancient semi-natural woodland to the south.

### 5. Non-compliance with planning policies

The proposed development contravenes the following policies in the Scottish Borders Council Local Development Plan (SBC, 2016).

#### **Policy EP1: International Nature Conservation Sites and Protected Species**

The assessment undertaken to date does not allow an assessment to be made of whether the development is likely to have significant effects on the River Tweed Special Area of Conservation (SAC).

The assessment undertaken to date does not allow the impact of the development on European Protected Species (bats) to be fully considered.

***Policy EP2: National Nature Conservation and Protected Species***

The assessment undertaken to date does not allow the impact of the development on red squirrel to be properly assessed.

***Policy EP3: Local Biodiversity***

The proposed development will result in the fragmentation of important broadleaved semi-natural woodland habitat and will have a significant negative impact on an ecological corridor along the River Tweed.

***Policy EP10: Gardens and Designed Landscapes***

Kingsmeadows is an excellent local example of a stately home on the banks of the river Tweed. As such it is an historically important part of the Peeblesshire landscape and should be preserved, together with its surrounding woodlands which are integral to its setting.

***Policy EP11: Protection of Greenspace***

Kingsmeadows including the proposed development site lie within the Peebles Conservation Area. Placemaking considerations for the settlement of Peebles identify mature woodland and parkland as providing high amenity value. EP11 states that Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- a. the environmental, social or economic value of the greenspace;
- b. the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement; and
- c. the function that the greenspace serves.

The proposed development site meets all three of the criteria being of high ecological value for habitats and species, hosting woodland and parkland that contribute to the placemaking of the town, and in providing an ecological corridor along the River Tweed. Consequently the site should be protected from development.

***Policy EP12: Green Networks***

The River Tweed is identified as a Green Network. EP12 aims to protect existing Green Networks and avoid where possible their fragmentation. The proposed development will have a negative impact on the ecological integrity of the green network as a result of severance, both through direct habitat loss, but also light and noise pollution, which will have a deleterious impact on a range of wildlife including bats, hedgehog, red squirrel, otter, breeding birds and migratory fish.

***Policy EP13: Trees, Woodlands and Hedgerows***

Policy EP13 seeks to protect the woodland resource of the Scottish Borders. EP13 states that the Council will refuse development that would cause the loss of or serious damage of the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. The Ecological Baseline Report demonstrates that there will be direct loss of

semi-natural broadleaved woodland (Para 5.2.7). There are no public benefits of this development as it is a housing proposal by a private developer. The proposed mitigation of planting of native trees where possible throughout the scheme cannot be sufficient to mitigate for the loss of 46 mature trees and the severance/fragmentation of the woodland corridor along the southern side of the River Tweed.

## **6. Biodiversity Crisis**

The UK is already one of the most nature-depleted countries in the world, in the bottom 10% globally and last among the G7 group of nations. Biodiversity is declining faster than at any time in human history. Since 1970, there has been on average almost a 70% decline in the populations of mammals, birds, fish, reptiles and amphibians. 15% of UK species are threatened with extinction. One of the major pressures on the nature of the UK is urbanisation. (House of Commons Environmental Audit Committee, 2021).

We have to take action now. Developments such as this are part of the problem and not the solution.

I strongly urge the Council to reject this application and demonstrate genuine commitment to combat the Biodiversity Crisis and to secure a valuable natural inheritance at Kingsmeadows for future generations.

Yours faithfully

A black rectangular redaction box covering the signature area.

**Reuben Singleton CEnv, MCIEEM**  
**Director – Tweed Ecology**