

10. Evaluation against NPF4 and LDP2 policies

10.1. Because the underlying planning permission in principle has expired without development having commenced, and the effect of granting this permission would be to create a new permission where none exists, it is entirely appropriate to reconsider the principle of this development in light of the current development plan (in support, we draw the LRB's attention to [2020] CSIH 13 [\[Prec1\]](#), paragraphs 35-38). We provide an assessment of the principle of the proposal against the current statutory development plan (grouped by issue). In our view, there are numerous conflicts with the plan and permission should be refused. We remind the LRB that the appellant did not lodge a valid appeal against SBC's decision to refuse 24/00030/FUL and that this appeal should not be used to circumvent due process on appeals (by rerunning that appeal). It follows that it is now a matter of fact that the principle of this development is contrary to the SDP for the reasons stated in the 9 Dec 2024 refusal notice [\[RFS24\]](#).

10.2. NPF4 Policy 1: Tackling the climate and nature crises.

- 10.2.1. *"When considering all development proposals **significant weight** will be given to the global climate and nature crises."*
- 10.2.2. The climate and nature crises are directly relevant to the overarching issues under consideration here – trees and ecology. The weight given to these issues is for the decision maker – but it **must** be **significant**. That means it must have an effect. That effect must be visible and strong – determinative even. This issue must be utmost in your mind, and it must have a stronger impact on decision making than any other issue.
- 10.2.3. Policy 1 has key policy connections to all other policies – meaning that this policy needs to be borne in mind when considering all other policies. Only policies 2 and 14 share the same extensive scope. But policy 1 is unique – it is the only policy in the entire NPF4 directing decision makers to give **significant weight** to **any** issue.
- 10.2.4. As we list the remaining issues in the remainder of this document, we ask you to bear in mind the **significant weight** afforded these climate and nature issues by policy 1, and bear in mind that this **applies to consideration of LDP2 policies as well**.
- 10.2.5. This is a new requirement, which wasn't included in the previous SDP.

10.3. NPF4 Policy 3: Biodiversity.

- 10.3.1. *"a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible."*

- 10.3.2. There are no valid² ecological assessments or tree reports submitted with this application to demonstrate that biodiversity will be enhanced. Expert evidence shows the opposite. The proposal fails the test of policy 3a.
- 10.3.3. This woodland is located within the Green Network shown in figure EP12a of LDP2 policy EP12a but does not demonstrate biodiversity enhancement. This is a further failing of the policy 3a test of “building and strengthening nature networks and the connections between them.”
- 10.3.4. The requirement for biodiversity enhancement is new under NPF4. This is a much stronger requirement than under the previous LDP where mitigation was considered acceptable. It would not be appropriate to grant any new permission containing conditions 10–14 of 19/00182/PPP since they attempted to use conditions to mitigate the obvious and inevitable biodiversity loss entailed with this proposal. Based on the evidence in front of the committee today, the proposal must be rejected.
- 10.3.5. *“c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.”*
- 10.3.6. This proposal does not include measures to conserve, restore and enhance biodiversity. The proposal therefore fails the test of policy 3c.
- 10.3.7. *“d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design.”*
- 10.3.8. There are no valid assessments that show what the adverse impacts of this proposal on biodiversity, nature networks and the natural environment are. There has been no effort to minimise these effects (because they are not understood by the applicant). The proposal fails the test of policy 3d.

10.4. NPF4 Policy 4: Natural Places.

- 10.4.1. *“a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.”*
- 10.4.2. The location of this proposal, set within woodland containing 91 trees listed on the Woodland Trust’s Ancient Tree Inventory on the banks of the Tweed SAC, together with the scale of the proposal requiring the loss of upwards of 50 trees together with the unassessed impact on biodiversity (including European and Nationally Protected species described in section 6.1 above) meets the Policy 4a definition – requiring this proposal not to be supported.

² To avoid lengthy repetition, by valid reports, we mean reports submitted by suitably qualified experts (such as MICFOR or MCIEEM) where the report validity period (often a year or 18 months from issue date) has not expired.

10.4.3. *"b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives."*

10.4.4. There is evidence before the LRB from SBC's ecologist and NatureScot that this proposal does have likely significant effect on the Tweed SAC. This proposal for housing is not for conservation management of the Tweed SAC. And yet an appropriate assessment (HRA) has not been performed. This proposal fails the tests of policy 4b and should be rejected.

10.4.5. We also have legal advice from ERCS that approval would contravene the Habitats Regulations – which would give grounds for judicial review. These regulations are not just one of many factors to be weighed in the balance by the LRB. Failing to observe the Habitats Regulations would make approval unlawful and that would form one of the grounds for judicial review. The local community is so strongly opposed to these proposals that there have been over 800 objections to the applicant's various proposals within the grounds of Kingsmeadows House and councillors have no doubt seen newspaper headlines and BBC articles. The likelihood that approval will result in judicial review – and the expense that would entail for both SBC and the community – should be factored into this decision.

10.4.6. *"c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."*

10.4.7. This site is a Site of Special Scientific Interest [TWIC2]. We do not have any valid assessment of how this project will impact the interests (species) protected by SSSI or its overall integrity. Neither is there any evidence of social, environmental or economic benefits of national importance before the LRB. This proposal therefore fails the tests of policy 4c.

10.4.8. *"e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance."*

10.4.9. We have provided evidence that this project could do real harm to an ecologically sensitive and biodiverse SAC / SSSI. A decision to allow this development without valid arboricultural or ecological assessment would not accord with the precautionary principle and policy 4e requires the proposal to be refused.

10.4.10. *"f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning*

and design of development, and potential impacts must be fully considered prior to the determination of any application.”

10.4.11. There is evidence before the committee – in the form of species presence records provided by the National Biodiversity Network – of European Protected Species (including otter and multiple species of bat) and 100 species on the Scottish Biodiversity List on or ecologically connected to the proposed site. Yet steps have not been taken by the applicant to establish these species presence or factor their protection into the development. We cannot defer these steps to conditions (as was done in previous approvals under outdated planning policy). The proposal fails the tests of policy 4f.

10.5. NPF4 Policy 6: Forestry, woodland and trees.

10.5.1. *“a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.”*

10.5.2. This proposal does not benefit from the general support provided by policy 6a because this proposal does not enhance, expand or improve woodland and tree cover. The related section 42 application 24/00030/FUL was refused in part for breaching NPF4 Policy 6, thus the principle of this development has already been found to breach NPF4 Policy 6.

10.5.3. *“b) Development proposals will not be supported where they will result in:*
i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;”

10.5.4. The diagram in section 2.7 above shows that there are veteran trees near the site. We know that the proposal entails substantial tree loss (upwards of 50 trees in the AMC) and we have expert arboricultural evidence of the harm this level of tree loss would inflict on the wider remaining woodland. The developer provides no AIA to understand or mitigate the impact of this proposal on the ecological condition of these veteran trees. This proposal fails the tests of policy 6b(i) and should be refused.

10.5.5. All of the trees on the Woodland Trusts Ancient Tree Inventory are of high biodiversity value – including the 3 veteran and 37 notable trees within the site boundary plus appropriate buffer shown in the figure at 2.7 above. The points made in the previous bullet also trigger the policy 6b(ii) requirement not to support this proposal.

10.5.6. This proposal fragments and severs the woodland corridor along the Tweed to the West from the corridor to the East, both of which form part of the Green Network under LDP2 policy EP12 shown in figure EP12a. National Records [[TWIC3](#)] list this as a high priority woodland habitat network. This triggers the policy 6b(iii) requirement not to support this proposal.

10.6. NPF4 Policy 7: Historic assets and places.

- 10.6.1. *“a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.”*
- 10.6.2. *“Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.”*
- 10.6.3. Construction of these flats has a potentially significant impact on Kingsmeadows House and its setting. Indeed, detailed permission 22/00422/AMC for construction of this block of flats was refused because *“The design, layout and details of the proposed development would not respect the character or appearance of the conservation area, the setting of the listed building and the locally designated landscape. ... In doing so, the application fails to comply with Scottish Borders Local Development Plan 2016 policies PMD2; PMD5; EP7; EP9 and; EP10.”*
- 10.6.4. This application is not accompanied by the required assessment and the design statement for 19/00182/PPP does not help manage the potential conflict as it refers to fourteen-year-old design policies in LDP2011, two iterations prior to the current LDP. The proposal therefore fails the requirements of Policy NPF4 7a.
- 10.6.5. *“d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:*
 - i. architectural and historic character of the area;*
 - ii. existing density, built form and layout; and*
 - iii. context and siting, quality of design and suitable materials.”*
- 10.6.6. The refusal of 22/00422/AMC for failing to respect the character of the conservation area (see previous quote) also shows that the reality of this proposal conflicts with policy 7d.
- 10.6.7. *“e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.”*
- 10.6.8. As we know, the reality of this proposal is that significant numbers of mature trees would need to be felled within this conservation area, failing to respect the character of the conservation area and thereby failing the requirements of Policy 7e.

10.7. NPF4 Policy 8: Green belts.

- 10.7.1. *“a) Development proposals within a green belt designated within the LDP will only be supported if: ...
ii) the following requirements are met:
reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;...”*
- 10.7.2. Green belts in LDP2 are identified in LDP2 Policy EP12: Green Networks. This site lies within the Green Network identified in figure EP12a. No reasons have been provided by the developer to justify this location and accordingly the proposal fails the test of NPF4 Policy 8a.

10.8. NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings.

- 10.8.1. *“b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.”*
- 10.8.2. The site is greenfield but has not been allocated for development in the LDP2. The proposal fails the test of NPF4 Policy 9b.

10.9. NPF4 Policy 16: Quality homes

- 10.9.1. *“f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
i. the proposal is supported by an agreed timescale for build-out;”*
- 10.9.2. The site has not been allocated for development in LDP2 and is not supported by an agreed timescale for buildout. (Indeed, as the developer has had planning permission in principle for almost a decade but been unable to bring forward an acceptable proposal for detailed buildout, there is good reason to doubt timely buildout would follow.) The proposal therefore fails the test of NPF4 Policy 16f.

10.10. NPF4 Policy 20: Blue and green infrastructure.

- 10.10.1. *“a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.”*
- 10.10.2. This proposal would fragment the woodland and sever the woodland corridor on the South side of the Tweed identified as a Green Network in LDP2 Policy EP12, figure EP12a. No information has been provided to demonstrate that the proposal would not result in or exacerbate a deficit in green infrastructure provision, and the overall integrity of the network will be maintained. The proposal therefore fails the test of NPF4 Policy 20a.

10.11. NPF4 Policy 22: Flood risk and water management.

- 10.11.1. *“a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
i. essential infrastructure where the location is required for operational*

reasons;

ii. water compatible uses;

iii. redevelopment of an existing building or site for an equal or less vulnerable use; or

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

all risks of flooding are understood and addressed; ...”

10.11.2. The proposal is at risk of flooding and in a flood risk area and the flood risk modelling provided with 19/00182/PPP underestimates flood risk (see section 5 above). That is, the proposal is not for any of the uses set out in (i) through (iv) and the applicant has not demonstrated that all risks of flooding are understood and addressed. The proposal therefore fails the tests of NPF4 Policy 22a.

10.11.3. *“c) Development proposals will:*

i. not increase the risk of surface water flooding to others, or itself be at risk.”

10.11.4. Being in the flood plain, the proposal will increase the risk of surface water flooding to others, and itself be at risk. The proposal therefore fails the test of NPF4 Policy 22c (i).

10.12. LDP2 Policy EP1: International nature conservation sites & protected species

10.12.1. *“Development proposals which will have a likely significant effect on a designated or proposed European site, which includes all Ramsar sites, are only permissible where an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site.”*

10.12.2. *“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)”* [*\[ExpertE\]*](#) (see also 10.4.3 above). As a reminder, NPF4 Policy 1 requirement that *“significant weight will be given to the global climate and nature crises”* applies here.

10.12.3. *“If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.”*

10.12.4. *“The assessment undertaken to date also does not allow the impact of the development on European Protected Species (bats and otters) to be fully considered* [*\[ExpertE\]*](#)*.” The proposal fails the tests of policy EP1.*

10.13. LDP2 Policy EP2: National Nature Conservation Sites and Protected Species.

10.13.1. “Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest (SSSI), a National Nature Reserve (NNR), or nationally protected habitats or species will not be permitted unless:

- a) the objectives of the designation and the overall integrity of the site will not be compromised, or
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

If there is evidence to suggest that a legally protected species is on site or may be affected by proposed development, steps must be taken to establish its presence. The level of protection afforded by legislation must be factored into the planning and design of the development. Any impacts will be fully considered in determination of the application.”

10.13.2. “The assessment undertaken to date does not allow the impact of the development on red squirrel to be properly assessed [\[ExpertE\]](#).” Data from the National Biodiversity Network [\[NBN1\]](#) evidences presence of circa 100 Scottish Biodiversity List (nationally protected) Species. There are no valid ecological surveys or reports to address either part a or b of this policy. The proposal therefore fails the tests of LDP2 Policy EP2.

10.14. LDP2 Policy EP3: Local Biodiversity and Geodiversity

10.14.1. “The proposed development will result in the fragmentation of important broadleaved semi-natural woodland habitat and will have a significant negative impact on the integrity of an ecological corridor along the River Tweed.” [\[ExpertE\]](#)

10.15. LDP2 Policy EP9: Conservation areas

10.15.1. “The Council may require applications for full, as opposed to Planning Permission in Principle Consent.”

10.15.2. As a reminder, this proposal has an extensive planning history, with PPP granted and expired twice. The single AMC application (22/00422/AMC) was refused because it failed to match the design statement or respect the character of the conservation area:

10.15.3. “**REASON FOR REFUSAL**

1. *The design, layout and details of the proposed development would not respect the character or appearance of the conservation area, the setting of the listed building and the locally designated landscape. As a result, the proposal does not fulfil the requirements of conditions 1 and 8 [the AMC must match the design statement] of the planning permission in principle. In doing so, the application fails to comply with Scottish Borders Local Development Plan 2016 policies PMD2; PMD5; EP7; EP9; and EP10.”* [\[RFS22\]](#)

10.15.4. It is our view that it is simply not possible to obtain detailed permission matching the design approved in 19/00182/PPP that is also acceptable under SDP policies – given what we now know of the reality of any construction in this conservation area on the Tweed SAC, which

necessitates substantial tree loss and ecology impact including, but not limited to, European and nationally protected species.

- 10.15.5. We respectfully request SBC invoke the LDP2 Policy EP9 requirement for a full planning application for this Historic site in the Peebles conservation area and refuse this application for planning permission in principle.

10.16. LDP2 Policy EP10: Gardens and Designed Landscapes

- 10.16.1. “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.” [\[ExpertE\]](#)

10.17. LDP2 Policy EP11: Protection of greenspace.

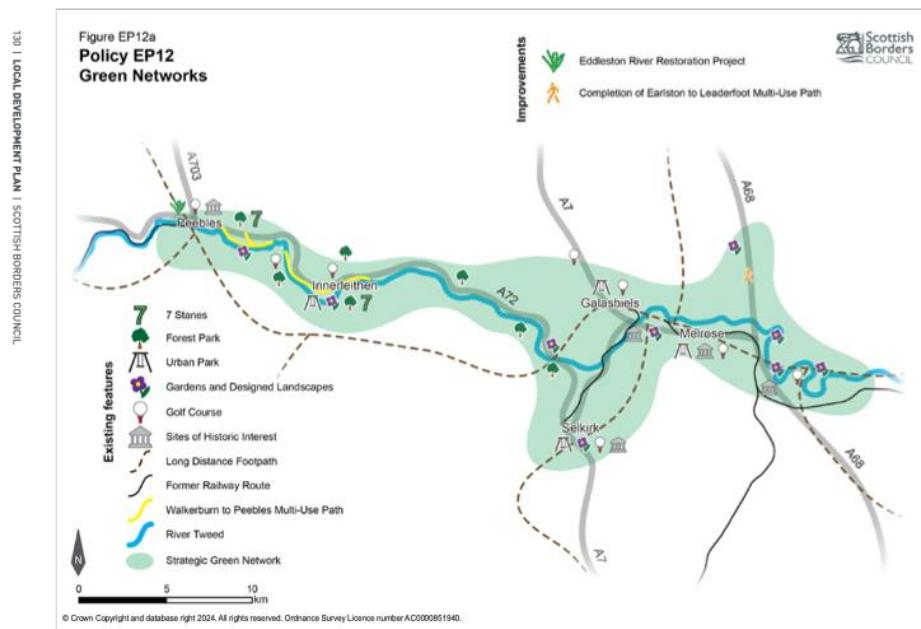
- 10.17.1. *“Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:*
a) the environmental, social or economic value of the greenspace;
b) the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement;
c) the function that the greenspace serves.”
- 10.17.2. “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. 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.” [\[ExpertE\]](#)
- 10.17.3. *“Development that would result in the loss of greenspace ... will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:*
d) there is social, economic and community justification for the loss of the open space; or
e) the need for the development is judged to outweigh the need to retain the open space.”
- 10.17.4. The site is greenspace, prominently situated on the Tweed where it can be viewed by the public, and surrounded by amenity woodland heavily used by the public. The site is not allocated in the LDP and surplus to MATHLR requirements (see 9.2 above). The applicant has provided no information to address requirement d or e. The proposal fails the test of policy EP11.
- 10.17.5. Reason 1 of the Planning Committee’s refusal of 24/00030/FUL establishes that “the need for development does not outweigh the need to protect or retain the existing mature trees and green space”. We know (from the recording of the Committee’s debate and members of the public present) that the Committee carefully weighed other material factors, including the affordable housing emergency, before reaching their conclusion. As a result,

this decision establishes, as a matter of fact, that the protection of this greenspace is the overriding consideration per policy EP11 in the LDP.

10.18. LDP2 Policy EP12: Green networks.

10.18.1. *"Where a proposal comes forward that will result in a negative impact on the natural heritage, greenspace, landscape, recreation or other element of a Green Network, appropriate mitigation will be required."*

10.18.2. This proposal lies within the Green Network identified in LDP2 figure EP12a:



10.18.3. "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." [\[ExpertE\]](#)

10.18.4. Given the extent of woodland and tree loss, and without valid ecological reports or HRA, it is not possible to determine whether appropriate mitigation measures exist. The policy therefore fails the test of LDP2 Policy EP12.

10.19. LDP2 Policy EP13: Trees, woodlands and hedgerows.

10.19.1. *"The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value."*

10.19.2. "The Ecological Baseline Report for the proposed development produced in 2019 demonstrates that there will be direct loss of semi-natural broadleaved woodland (Para 5.2.7). There are no public benefits; this is a housing

proposal by a private developer. The proposed mitigation of planting of native trees where possible throughout the scheme is not sufficient to mitigate for the loss of 34 mature trees and the severance/ fragmentation of the woodland corridor along the southern side of the River Tweed.” [\[ExpertE\]](#)

- 10.19.3. The Planning Committee’s refusal of related section 42 application 24/00030/FUL established that the serious damage to the woodland resource envisaged by this proposal outweighs any public benefit. We draw the LRB’s attention to refusal reason 2 of that decision, which establishes, as a matter of fact, that this proposal is contrary to LDP2 Policy EP13:
- 10.19.4. *“2. The application is contrary to Policy EP13 of the Scottish Borders Local Development Plan 2024 in that the proposed development would result in loss of an existing woodland resource and the benefits of development do not outweigh the loss of landscape, or the ecological and historical value of the woodland resource.”*

10.20. LDP2 Policy EP15: Development affecting the water environment.

- 10.20.1. *“Decision making will be guided by an assessment of … b) flood risk within the site or the wider river catchment.”*
- 10.20.2. This requirement is a subset of NPF4 Policy 22 and to avoid repetition we refer the LRB to comments made at section 10.11 above. As a consequence of the lack of up-to-date FRA, this proposal fails the test of Policy EP15b.

10.21. LDP2 Policy IS8: Flooding.

- 10.21.1. *“b) Developers will be required to provide, including if necessary at planning permission in principle stage:*
i. a competent flood risk assessment, including all sources of flooding, and taking account of climate change, using the most up to date guidance.”
- 10.21.2. As explained in sections 8.6 above and 5 above, a competent FRA has not been provided and the building is within the flood plain. Furthermore SEPA’s latest climate change guidance [\[SEPA2\]](#) now recommends a total change to the year 2100 of 59% for the Tweed peak river flow allowances (not the 20% figure included in the FRA [\[SBC2\]](#) and the approved site location plan [\[SBC1\]](#)). Consequently, this proposal fails the tests of LDP2 Policy IS8b.
- 10.21.3. *“The information used to assess the acceptability of development will include:*
i. information and advice from consultation with the Council’s Flood Risk and Coastal Management Team and the Scottish Environment Protection Agency;
ii. flood risk maps provided by the Scottish Environment Protection Agency and/or developed by Scottish Borders Council which indicate the extent of the flood plain;
iii. historical records and flood studies/assessments held by the Council and other agencies;
iv. Scottish Environment Protection Agency’s current guidance.”

- 10.21.4. Each of the sources of information have been updated since the FRA prepared for the approval of 19/00182/PPP. Therefore, that FRA is no longer competent. The proposal fails the tests of LDP2 Policy IS8c.

10.22. LDP2 Policies PMD2: Quality standards and PMD5: Infill Development.

- 10.22.1. Reason 1 of the Planning Committee's refusal of 22/00422/AMC states:
- 10.22.2. *"The design, layout and details of the proposed development would not respect the character or appearance of the conservation area, the setting of the listed building and the locally designated landscape. As a result, the proposal does not fulfil the requirements of conditions 1 and 8 of the planning permission in principle. In doing so, the application fails to comply with Scottish Borders Local Development Plan 2016 policies PMD2; PMD5; EP7; EP9; and EP10."*
- 10.22.3. Now the full extent of tree loss, biodiversity damage and damage to the character of the conservation area is known, it is our opinion that no detailed permission which matches the expired planning permission in principle 19/00182/PPP could be acceptable under the current SDP and the proposal fails the tests of LDP2 Policies PMD2 and PMD5.