



SUPPLEMENTARY GUIDANCE: LOW DENSITY RURAL HOUSING

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek agreement to the adoption of the Low Density Rural Housing Supplementary Guidance (a copy of which is attached to this report).

2 BACKGROUND

- 2.1 At its meeting of 7 November 2017 the Council adopted the Midlothian Local Development Plan 2017 (MLDP). The MLDP included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance is required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas that needs further clarification is with regard to low density rural housing.
- 2.2 At its meeting on 23 November 2021, the Committee approved the draft Low Density Rural Housing Supplementary Guidance for consultation and agreed to consider a further report on the Supplementary Guidance following the proposed consultation.
- 2.3 The consultation period ran for four weeks from 9 December 2021 to 5 January 2022.
- 2.4 A copy of the draft Supplementary Guidance was available on the Council's website and also made available at Penicuik Library and on-board the Mobile Library service. Active consultees on the MLDP Consultee Database including Community Councils, the Scottish Environment Protection Agency (SEPA), NatureScot, Historic Environment Scotland, Forestry and Land Scotland (formally the Forestry Commission) and Scottish Water were notified and invited to make comment.

3 REPRESENTATIONS

- 3.1 As part of the consultation process one response was received from NatureScot during the consultation process. A summary of the

consultation comments received with the proposed officer response is attached to this report as Appendix A and a track change copy of the draft Low Density Rural Housing Supplementary Guidance document showing proposed deletions and additions to the document arising from the consultation is attached to this report as Appendix B. New text within the guidance is shown in red (this will be returned to black text if approved).

4 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 4.1 All Scottish public bodies and a few private companies operating in a 'public character' (e.g. utility companies) within Scotland are required to assess, consult and monitor the likely impacts of their plans, programmes and strategies on the environment. This is known as a Strategic Environmental Assessment (SEA) process.
- 4.2 As required by the Environmental Assessment (Scotland) Act 2005, screening for likely significant environmental effects from the Supplementary Guidance was undertaken with the Consultation Authorities - SEPA, NatureScot and Historic Environment Scotland. The Consultation Authorities agree with the Council's opinion that the guidance does not trigger a requirement for a SEA.
- 4.2 The Council is now in a position to make a formal determination that no detrimental environmental effects are likely because of the guidance, thereby exempting the Supplementary Guidance from any requirement for a SEA. The adoption of the Supplementary Guidance cannot take place until; the SEA determination has taken place; and, 14 days have lapsed from advertising the SEA decision in a local paper and copying it to the consultation authorities.

5 LOW DENSITY RURAL HOUSING SUPPLEMENTARY GUIDANCE

- 5.1 The Supplementary Guidance is appended to this report and sets out additional guidance to support developers in preparing planning applications for housing development on the designated sites allocated under MLDP policy RD2: Low Density Rural Housing. The overarching aim of Policy RD2 is to allow some housing in the area while ensuring that environmental improvements are realised in the process.
- 5.2 The MLDP sets out four areas where proposals for Low Density Rural Housing will be permissible. These are located within the vicinity of Wellington School and Springfield off the A701 with two sites located to the west of the A701 (Netherton and Wellington) and two to the east (Springfield and Leadburn).
- 5.3 MLDP policy RD2 sets broad requirements for developments of this type, with no more than two units to be permitted at each site and that a high proportion of each site be given over to retention and creation of areas of nature conservation interest and landscape enhancement,

such as through the planting of native woodlands or the formation of ponds. This is a continuation of provisions made under policy HOUS5 of the superseded Midlothian Local Plan 2008.

- 5.4 It has been long standing established planning practice that there is a presumption against development in the countryside that does not relate to an established countryside use, particularly with regard to housing. Changes made to Scottish Government policy sought to provide for growing communities and new employment opportunities in rural areas by allowing for more flexibility in the types of permissible development in the countryside. The inclusion of the policy on Low Density Rural Housing in the MLDP was one of the measures taken to reflect this policy change at the time.
- 5.5 The sites identified in the MLDP were identified on the basis that they avoided areas of landscape and nature protection in the countryside and that they had access to a regular bus service of one per hour. Since their identification, many of the sites have been slow to progress with only the Netherton site on the east side of the A701 having an approved scheme for the entirety of the site. Of the two sites to the west of the A701, the Springfield site has had consent granted for one unit and has been constrained by having two land owners. No planning applications have been lodged on the Leadburn site, further south, thus far. The remaining site is located to the east of the A701 and north of the former Wellington School, where the MLDP allows for the possibility for a higher density of housing.
- 5.6 The Supplementary Guidance is appended to this report and includes:
- Detail on the layout and design sought for the development of the sites;
 - Details on the landscape and biodiversity requirements, including a list of acceptable plant species to be utilised and features of biodiversity interest to be retained or enhanced;
 - Details on public access arrangements;
 - The nature of associated business uses and longer-term management matters in relation to Low Density Rural Housing; and
 - Information on the provision of water and drainage at the sites and any potential flooding matters.
- 5.7 With regard to the Wellington site, the guidance makes clear that the reference in the MLDP to a higher density of housing is only applicable where the site is required to secure appropriate and safe access for the redevelopment of the Wellington School site. In the event that this is not required (for example through an alternative access solution becoming available), the provisions of policy RD2 will be applicable, including the restriction for the site to accommodate no more than two units.

6 RECOMMENDATION

6.1 The Committee is recommended to:

- a. Agree to the adoption of the Low Density Rural Housing Supplementary Guidance (as amended following the consultation process);
- b. determine that the Low Density Rural Housing Supplementary Guidance will not have a significant environmental impact and so does not trigger the need for a formal Strategic Environmental Assessment;
- c. instruct the Planning, Sustainable Growth and Investment Manager to undertake the required notification/advertisement advising that the Low Density Rural Housing Supplementary Guidance will not have a significant environmental impact and so will not be carrying out Strategic Environmental Assessment;
- d. instruct the Planning, Sustainable Growth and Investment Manager to notify the Scottish Ministers of the Council's intention to adopt the Low Density Rural Housing Supplementary Guidance; and
- e. be advised of the outcome of the notification of the Scottish Ministers procedure.

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Planning, Sustainable Growth and Investment Manager

Date: 2 June 2022

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Attached: Summary of representations and Low Density Rural Housing Supplementary Guidance showing amendments

Appendix A

Summary of responses received to consultation on the Low Density Rural Housing Supplementary Guidance and the Council's Officer response.

Name of respondent	Consultation question	Summary of comments	Proposed amendment to SG arising from submission?	Midlothian Council response
NatureScot	1-Do you agree/disagree with the general provisions for 'Layout and Design' or have any additional comments?	Welcome principles for layout and design. In context of sites in an area of nationally important carbon-rich soils, and soils with potential for peatland restoration, it was suggested that the second principle should include potential for enhancement of biodiversity - <i>"avoid existing areas of biodiversity or landscape importance, or areas with potential for enhancement and restoration, or areas in proximity to these which may compromise their essential characteristics"</i> .	Yes	Suggested text has been added to the second bullet point in paragraph 3.2.
NatureScot	2 -Do you agree/disagree with the general provisions for 'Landscape and Nature Conservation' or have additional comments?	Generally agree with provisions for landscape and nature. Suggested that at paragraph 3.15 rather than "established for either landscape enhancement or nature conservation" it should read <i>"established for landscape enhancement and nature conservation."</i> Suggested that the first principle at paragraph 3.19 could be amended to <i>"Planting should not be used to screen proposed buildings, which should be of a design quality to ensure that screening is not required."</i>	Yes	Paragraphs 3.15 and 3.19 have been amended to contain suggested text.
NatureScot	3 -Do you agree/disagree with the mandatory landscape and biodiversity details required to support a planning	Agree with the mandatory landscape and biodiversity details. It may be useful to expand on the planting plan and planting schedule requirements to refer to the results of the requirement for ecological surveys as a means of directing	Yes	Planting plan and schedule have been amended and now refer to results of ecological

	application or have any additional comments?	planting type, management, enhancement, etc.		surveys as suggested.
NatureScot	4 - Do you agree/disagree with the general provisions for 'Public Access' or have additional comments?	Agree with the general provisions for public access.	No	-
NatureScot	5 -Do you agree/disagree with the general provisions for 'Flooding, Drainage and Water Services' or have additional comments?	Agree and particularly welcome the requirement that SuDS should be designed as an integral part of the green blue network.	No	-
NatureScot	6 - Do you agree/disagree with the general provisions for 'Rural Businesses and Diversification' or have additional comments?	-	-	-
NatureScot	7 -Do you agree/disagree with the general provisions for 'Implementation and Phasing of Development' or have additional comments?	Agree with the general provisions for implementation and phasing of development and particularly welcome the provision that consents will require phasing that prevents housing being delivered without landscape and habitat improvements.	-	-
NatureScot	8- Do you have any additional comments or observations to make in regard to the Low Density Rural Housing site at Leadburn?	Paragraph 4.1 describes the eastern part of the site as "more boggy and unsuitable for development". While this is a reasonable focus for site specifics we suggest that to tie in with the general provisions it may be useful to describe this area as also being <i>"more suitable for biodiversity</i>	Yes	Paragraph 4.1 has been amended to include suggested text.

		<i>enhancement, particularly to wetland habitat".</i>		
NatureScot	9-Do you have any additional comments or observations to make in regard to the Low Density Rural Housing site at Netherton?	Agree that this site could provide a positive example and suggest that it should be used as a model for the remaining sites.	No	-
NatureScot	10-Do you have any additional comments or observations to make in regard to the Low Density Rural Housing site at Wellington?	Welcome the requirements set out at paragraph 4.11 but suggest that this paragraph could perhaps provide more direction on how existing features could be integrated and enhanced. For example, in addition to no damage to the trees and watercourse in the site it may be useful to set an aspiration for how these could fit into habitat restoration and planting proposals at the site, including how existing features could form a mosaic of habitats to create a high quality, biodiverse site that also provides a welcoming setting for development.	Yes	Changes have been made to paragraph 4.11.
NatureScot	11-Do you have any additional comments or observations to make in regard to the Low Density Rural Housing site at Springfield?	Paragraph 4.17 focuses on the southern plot and there is no discussion of the northern plot. Unclear on what may happen here and highlight that if the northern plot is still considered developable in relation to the general provisions of the supplementary guidance, it should be directed by existing habitats on this part of the site which appear to include extensive wet areas that may contribute towards restoration of wetland habitat networks in the area. These areas should remain free of development and proposals should include plans for their enhancement and opportunities to make wider links with the other sites.	Yes	Clarification has been added to paragraph 4.17.
NatureScot	12-Do you agree/disagree with the	Generally agree with the contents of Appendix A and take this opportunity to highlight our	Yes	Guidance has been added to

	contents of Appendix A: Suitable Shrub and Tree Species or have any additional comments?	Developing with Nature guidance, which has been prepared in support of Policy 3e) of the draft NPF4. This guidance would be a useful addition to the list of codes and recommendations		Appendix A.
NatureScot	13- Are there any further comments or observations that you wish to make about any part of the Low Density Rural Housing Supplementary Guidance?	Suggestion that a useful addition to the information sources on biodiversity would be our guidance on Pollinators in Planning and Construction, which is available here: https://www.nature.scot/guidance-pollinators-planning-and-construction-guide .	Yes	Guidance has been added to Appendix A.

Midlothian Local Development Plan

Low Density Rural Housing Supplementary Guidance



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Low Density Rural Housing Supplementary Guidance

1. Introduction

1.1 Low Density Rural Housing was an initiative introduced to Midlothian by the 2008 Midlothian Local Plan, which applies to the Leadburn and Wellington areas in the vicinity of the A701 and close to the Scottish Borders. The Midlothian Local Development Plan (MLDP), which was adopted in 2017, continues this initiative through Policy RD2.

1.2 There are four sites in total; Leadburn, Netherton, Springfield and Wellington, as shown on Map 1, below.



Map 1: Low Density Rural Housing Sites as allocated by Policy RD2 of Midlothian Local Plan (2017)

1.3 The aim of Policy RD2 is to ensure that there are benefits to the area through environmental improvements while allowing some housing provision where it would not otherwise be permissible. The Council considers that this policy, in addition to other provisions in the plan, will assist in promoting rural diversification, promote a pattern of rural

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development appropriate to the area and encourage rural development while protecting and enhancing the environment. This is in line with the principles set out in the Scottish Planning Policy (SPP).

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Policy RD2: Low Density Rural Housing

New low density housing linked to landscape enhancement is supported at four sites (Springfield, Wellington, Netherton and Leadburn). Under this policy no more than two units will be permitted at each site, including any units developed under the previous Local Plan policy HOUS5 before the adoption of this Plan.

A high proportion of each site is required to be given over to the retention and creation of areas of nature conservation interest and landscape enhancement, through the planting of native woodlands or the formation of other features such as ponds. The Council encourages the provision of public access, particularly in situations where a connection with core paths or the green network can be made.

The suitability of low density rural housing proposals in the identified areas will be assessed against the following criteria:

- A. proposals should demonstrate that the landscape and biodiversity value of the site is enhanced by the development;
- B. the design and layout of the development should be appropriate to the rural setting; and
- C. proposals should demonstrate that they can be served by safe access arrangements, and a public sewerage and water supply (or acceptable private arrangements if public provision is not available).

The establishment of small-scale rural business in association with the low density housing is supported in principle, subject to the proposals satisfying policy RD1 Development in the Countryside.

Supplementary Guidance on *Low Density Rural Housing* provides advice on site layout and design, the formation of features of landscape and biodiversity interest, public access, the nature of associated business uses, and other implementation and longer-term management matters. Conditions for the use of private water and sewerage arrangements are specified in the Guidance. The Guidance also provides further advice on alternative options at the Wellington site (see below).

In the event that proposals are submitted to Midlothian Council for the redevelopment of Wellington School, consideration will be given to the inclusion of adjacent land at the Wellington low density rural housing site (site indicated on the Proposals Map). An acceptable alternative housing development will be permitted to facilitate the creation of a new access to serve the Wellington School site (also shown on the Proposals Map). This should be low rise, of lower density than in urban housing

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allocations to reflect its rural location, avoid built development on the higher eastern part of the site, have a safe entrance on to the A701 and provide an adoptable standard road connection with the Wellington School housing site. If this option proceeds, further enhancements to road safety along the A701 in the locality will be required. Reference should be made to the Penicuik/ Auchendinny Settlement Statement (site AHs5).

2. Context and Aims

2.1 Similar initiatives, often under the 'Lowland Crofting' banner, have been tried with some success elsewhere though it has divided opinion. In previous years, disputes have been raised with regard to whether landscape, biodiversity and access improvements can be realised and whether these improvements justify development in remote rural areas.

2.2 Given the controversial history of similar initiatives, the policy came under close scrutiny at Public Local Inquiry. Clarification was sought over the number of units permitted on each site as well as the requirements that are to be applied when approving such proposals. The MLDP retained the principles of these findings while simplifying the original policy.

2.3 The areas to which the policy applies were selected on the basis of the quality of the agricultural land, the avoidance of biodiversity and landscape designations and access to a regular bus service. To date, there has been limited delivery on these sites, with two units completed (as of July 2021) of the potential eight units the policy allows for. The Council will continue to monitor progress and consider the scope of the policy in the next Local Development Plan (LDP2).

2.4 In the first instance, reference should be made to Policy RD2 of the MLDP when considering proposals in these areas. The policy establishes that no more than two units will be permitted on each site and that a high proportion of each site should be given over to nature conservation interest and landscape improvement. While the policy provides the context and general principles for development and delivery, the role of this Supplementary Guidance is to provide advice on the layout and design, the formation of features of landscape and biodiversity interest, public access, the nature of associated business uses as well as other implementation and longer-term management matters.

3. General Provisions

3.1 Although the implementation of each site will be different with varying requirements and challenges, there will be matters which are applicable to all sites. These are outlined in the following sections.

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Layout and Design

3.2 This Supplementary Guidance specifies which sites are preferred for development further on in the 'Site Specific' section . The sites were selected on the basis of the following principles:

- A preference for locating units in close proximity to the A701 for the purposes of reducing the walking distance to public transport and minimising the visual impact of ancillary driveways or access roads; and
- To avoid existing areas of biodiversity or landscape importance or **areas with potential for enhancement and restoration, or** areas in proximity to these which may compromise their essential characteristics.

3.3 The identification of preferred plots does not preclude alternative sites being considered. Should applicants seek to develop an alternative plot, they should be mindful of the above principles and provide justification.

3.4 Policy RD2 specifies that no more than two units will be permitted on each site including those developed under the previous Local Plan Policy HOUS5 ⁽¹⁾. The design of the scheme approved under the policy will be considered to be final and not a starting point for further rural development. Applications for any additional dwellings within the areas covered by the policy will not be permitted.

3.5 The approach of interpreting traditional shapes and sizes into a modern context is recommended. The use of natural materials is welcomed but not required. New houses should not have a floorplan larger than 150 square metres. Nor should they be higher than one storey with a further storey of inhabited roofspace unless it can be demonstrated that larger dwellings can be developed which reflect the scale of surrounding development within the locality.

3.6 Given the remote location of the preferred sites, the design of any units will be expected to be of the highest sustainability standard. Proposals for low density rural housing will have to demonstrate at least a 'Very Good' BREEAM (Building Research Establishment's Environmental Assessment Method) rating or equivalent standard. This is the same standard as set out in MLDP Policy RD1 which provides for flexibility by using a points-based system looking at the building at its totality and allows developers to exercise choice in how to create a sustainable building. Certification that this standard has been achieved will need to be demonstrated through the planning application process.

1 Midlothian Local Plan, (2008)

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3.7 The layout, orientation and overall design of the buildings will reflect the requirements of meeting the BREEAM rating and zero carbon space heating requirements. Aside from these practical design provisions, the Council also requires that the approach to design set out in the Scottish Government's advice *PAN72: Housing in the Countryside* is considered.

3.8 The design of the buildings and quality of the finish should mean that they contribute to their landscape setting; whilst associated landscape designs should respond to green network features in the locality, and not merely comprise of screen planting. Existing trees and hedges should be retained where possible. New planting should create a structure to the sites, by defining boundaries, flanking access routes, and providing new points of interest. The planting should have regard to the maintenance of important vistas; the retention of sunlight and daylight in new and existing housing around the sites; the creation of sheltered microclimates, and the location and potential impacts of shading or shelter on any proposed renewables.

3.9 The location of new planting should consider mature size of species, allowing sufficient space for full canopy size without conflict and allowing sufficient rooting volume for species to reach their full potential without conflicting with built form, foundations or underground utilities or drainage. The appropriateness of species on the sites is considered further in the section on 'Landscape and Nature Conservation'.

3.10 Proposals must be supported by a Tree Survey and Arboricultural Impact Assessment where existing vegetation is present on or adjacent to the site and likely to be affected by the proposed development.

3.11 Access roads and driveways will not be adopted by the Council. An appropriate specification of access should be used, taking account of the nature and types of vehicles that will use them, particularly where rural business or diversification is proposed. Where possible, it is preferred that a shared driveway is used for both units on the site in order to minimise the visual impact. Choices relating to the use of materials and design should take cognisance of the rural setting as many of the details which may be common in an urban area can appear overbearing and out of place in the countryside. For example, it is not necessary or desirable for access roads to have kerbs or street-lighting. Alternative materials for surfacing access roads to tarmac should also be considered. In addition, should a temporary access be required during the construction phase which differs to permanent access arrangements, the applicant will be required to provide a management plan detailing how any environmental impacts will be managed and remediated post-construction.

3.12 Proposals should also consider potential impacts for any adjacent trees or vegetation where root protection areas may be located within the vicinity of any driveway, access road or surfaced area. The presumption should be that access roads, driveways and surfaces are aligned to minimise adverse impacts on trees on site or adjacent, by avoiding their root protection areas (see BS5837:2012) and canopy spread. Where this is not possible, a

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construction detail will require to be approved, demonstrating that the road/driveway can be achieved without damage to root protection areas by complying with BS5837:2012. This will usually require a load bearing cellular system designed for use within tree root protection areas, permeable to water and air and achievable without excavation, fill or compaction within the Root Protection Areas.

3.13 As waste collection vehicles will not enter private driveways, there may be a need for unobtrusive bin stores near the main access in order to avoid the appearance of clutter that can be caused by multiple recycling bins.

3.14 The principle of development on these sites is predicated on there being a high quality of design and landscape treatment. It is unlikely that the Council could determine applications without a significant level of detail on the design with a positive outcome. Applications for Planning Permission in Principle (PPP) are therefore not advised.

Landscape and Nature Conservation

3.15 Policy RD2 states that a high proportion of each site should be given over to the retention and creation of areas of nature conservation interest and landscape enhancement. Proposals will be considered in compliance with the policy requirements where at least 50% of the site is established for either landscape enhancement ~~or~~ and nature conservation, which can include the retention and management of existing habitats.

3.16 This Supplementary Guidance is not prescriptive about the manner in which landscape and biodiversity enhancements should be carried out. However, proposals are required to demonstrate that they enhance the landscape value and biodiversity of the sites. The Council particularly encourages proposals that link to surrounding Green Networks and Integrated Habitat Networks. Midlothian Green Network Supplementary Guidance (2017) outlines the minimum expectations for the enhancement of biodiversity through new development in Midlothian and should be referred to for further guidance.

3.17 In general, the plants to be used for landscaping should consist of native broadleaved species, although native conifers will also be considered. Larger species of plants take longer to grow, but are generally longer lived and more robust. Examples of these include beech, European larch, lime, oak and Scots Pine. The use of smaller native plants such as alder, rowan, birch, gean, hawthorn and willow should be considered as they provide potential to enhance the landscape and provide new habitats. The introduction of species-rich lawn and meadow mixes and undercover species will also be key to adopt a move away from ornamental shrub planting towards vegetation which will better integrate with the local landscape and enhance Green Networks and biodiversity. A full list of appropriate species can be found in Appendix A.

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3.18 Planting mixes should contain a range of species to suit individual site conditions (see Appendix A for suggested species). The Council recommends that each species should comprise not less than 5% of the mix and not more than 25% of the mix. Although not native, sycamore has advantages as a quick grower with good resilience in poor and exposed growing conditions, and, along with faster growing species like alder and willow, might be planted to create early benefits at the sites. Planting consisting wholly or predominantly of sycamore would however be contrary to Policy RD2. Hedgerows can be enhanced, restored and created, and have great biodiversity potential; hawthorn is a robust species which will grow quickly in demanding conditions, and could be supplemented with blackthorn and dog rose.

3.19 Although this guidance advises on appropriate planting species, it does not specify a planting scheme or layout for the sites. Developers should prepare planting proposals which should include setting out the arrangement of woodlands and shelterbelts. The following principles should be considered when designing this layout:

- Planting should not be used to screen proposed buildings, which should be of a design quality to ensure that screening is ~~undesirable~~ **not required**. Furthermore, screening can reduce daylight and sunlight for the properties concerned;
- Consideration should be given to planting small groups of trees to create a setting or shelter for new houses. This is a traditional arrangement that is commonly found in the Midlothian countryside, though care should be taken in avoiding screening as mentioned above;
- The existing field pattern and field boundaries should be respected in designing a planting scheme, with consideration being given to thicken up or link existing woodlands and hedgerows;
- Account should be taken of important or sensitive views;
- Large scale forestry will be unacceptable though bio-mass crops may be acceptable provided that it forms part of the mix on the site (see Rural Businesses below);
- Use of garden features (such a leylandii hedges) are not acceptable; and
- Consideration should be given to protecting the amenity of existing and future residents.

3.20 Biodiversity assessments were undertaken in 2006; the results of which are outlined in the 'Site Specific Considerations' section below. These assessments showed that some of the sites have extensive poorly drained areas of grass and rush/sedge and other wetland species. As these are valuable habitats they should not be drained and extensive planting in their vicinity should be avoided. Where existing areas of biodiversity, such as these, are

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retained and management regimes established for them, such areas will contribute towards the 50% requirement mentioned above. All applications should be accompanied by an ecological survey.

3.21 Where there are existing trees on the site it is recommended that a Tree Survey and Arboricultural Assessment be undertaken in line with British Standard (BS5837: 2012), which identifies (i) the exact location of trees, shrubs and hedges; (ii) the species, trunk girth, height and canopy spread; (iii) condition of the trees, noting defects, remedial action and safe life expectancy; (iv) the amenity value of the tree in respect of the development site and the wider environment; (vi) location of existing buildings and infrastructure; and (vii) existing and proposed ground levels.

3.22 It should be noted that where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry Act 1967 (as amended). However, developers should note that any tree felling not expressly authorised by full planning permission, and not exempted, requires a felling licence granted under the Forestry Act 1967 (as amended). Developers should note that any pruning or felling of trees covered by a Tree Preservation Order requires permission by way of a [Works to Trees Application](#) .

3.23 The Local Biodiversity Action Plan and Nature Conservation Planning Guidance are recommended as sources of good practice. Guidance on farming in a sustainable manner is available from Scotland's Rural College (SRUC).

3.24 New planting should be used to create new habitats. The formation of new ponds within the sites is encouraged and supported. Clean water ponds have the best potential to support wildlife. Groups of individual ponds are better at doing this than one big pond. Low angled banks are useful as this maintains shallows, even as the depth of the pond varies over the seasons. Shallow banks are also preferable from a safety perspective. Water features created to attenuate the run-off of surface water might also have nature conservation benefits, although caution should be exercised when planting trees, bushes or shrubs in the vicinity of sustainable drainage systems (SuDS) and sewers due to the risk of root incursion.

3.25 The formation of bird and bat boxes on new houses and buildings are encouraged.

3.26 A Landscape Layout and Planting Plan for the site should be prepared, preferably, by a qualified landscape architect and should show elements of hard and soft landscaping. A legal agreement will require to be drawn up to ensure adherence to a scheme of planting and biodiversity enhancement and to ensure that such features are maintained by future owners of the property.

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Mandatory Landscape and Biodiversity Details Required to Support a Planning Application

Ecological surveys (at least a Phase 1 Ecology Survey)

Full Tree Survey and Arboricultural Impact Assessment (AIA)

Landscape Layout Plan (This should show all elements of hard and soft landscape within the site; including existing vegetation to be retained and/ or removed. Landscape proposals should reflect the recommendations of any ecological surveys in terms of species, habitat and biodiversity enhancements.)

Planting Plan (as above) **which should also be directed by the results of ecological surveys with regards to directing planting types, management and enhancement.**

Planting Schedule (including number, size and planting density) **which should also be directed by the results of ecological surveys with regards to directing planting types, management and enhancement.**

Landscape Specification (including details of proposed landscape materials; methods of soil preparation, seeding/ planting etc.; tree protection measures)

Construction Details (including temporary site access arrangements and remediation plan)

Landscape establishment maintenance and long term maintenance specification document and programme/ schedule

Woodland management plan for existing and proposed woodland

Public Access

3.27 The Land Reform (Scotland) Act 2003 grants a general right of responsible public access over the countryside in Scotland. Proposals under MLDP Policy ENV2 provide the opportunity to expand opportunity for public access in the countryside through good design and the provision of paths.

3.28 Development should be designed so that it is welcoming and avoids the perception that the wider landscaped areas are in any way 'private' or that accessing or crossing them will result in conflict. Paths providing barrier free access can assist in this and will be

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encouraged by the Council. Advice on the design of paths can be provided by the Council's Landscape and Country Service and additional sources of advice have been produced by Sustrans Scotland, Transport Scotland, Paths for All and the British Horse Society Scotland.

3.29 The Council's Core Path Plan (adopted in 2009 and currently under review) identifies the principal paths and active travel routes, which includes an aspirational route linking Roslin to Peebles. Proposals at the Netherton and Wellington sites will be encouraged to assist in making this link. Developers should not solely rely on the Core Path Plan to identify paths on or near each site and are encouraged to survey each site for any informal paths at the design stage of proposals.

Flooding, Drainage and Water Services

3.30 The Council recognises that field drainage in the locality is poor and that burns run along or through a number of the sites. Flood risk assessments will need to be commissioned to provide assurance that the sites can be developed without undue flood risk. Residential properties should not be exposed to a greater than 1 in 200 risk of flooding in any one year.

3.31 MLDP Policy ENV 10 Water Environment requires that all new development should pass surface water through a SuDS which ameliorates the water to an acceptable quality prior to release to the wider water environment. SuDS should be designed as an integral part of the Green Network, incorporating recreational access and biodiversity enhancement, both within the scheme and through wider connectivity. Midlothian Council expects the design of systems to meet best current practice and to maximise the potential of SuDS components as amenity and/or biodiversity features.

3.32 Scottish Water (SW) operates a reasonable cost of connection service, where they will contribute a sum to the provision of new water supply and waste water systems. In July 2019, this was set at £1,630 for a water supply connection and £1,892 for waste water.

3.33 SW's publication 'Sewers for Scotland' (4th Edition) provides guidance to developers for all standards and specifications required when designing new drainage infrastructure, and it (or any replacement guidance) should therefore be referred to. The SEPA document 'Planning advice on waste water drainage' is also recommended for guidance on surface and foul water drainage.

Rural Business and Diversification

3.34 MLDP Policy RD2 provides the opportunity for rural businesses to be developed and operated in association with the rural housing, although proposed schemes are not required to make provision for this for them to be deemed acceptable. Any business proposals will be required to meet the provisions of MLDP Policy RD1, which states that developments are of the scale and character appropriate to the rural area, be well integrated into the rural

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landscape, be capable of being serviced by an adequate and appropriate access, be capable of being serviced by drainage and public water supply at reasonable cost and be accessed by public transport. Furthermore, business proposals cannot be primarily of retail nature.

3.35 Where equestrian related uses are proposed, there may be a conflict between providing sufficient stabling for any horses to move without difficulty, providing land for exercise and grazing of horses while meeting the 50% landscape and biodiversity improvement requirement of the policy. The British Horse Society provides guidance of 1-1.15 acres as a minimum area for grazing, though this is subject to numerous variables such as management practices and the size of animals. Proposals which include equestrian uses should take cognisance of these guidelines.

Implementation and Phasing of Development

3.36 The order in which the site is developed will need to be considered in developing a scheme. Applications should include a proposed phasing programme outlining the order that different aspects of the proposal will be undertaken. Applicants should expect that consents will include a planning condition which ensures that the development is phased in a manner which prevents the houses from being developed in the absence of measures that make the proposal acceptable under the policy, such as landscape and habitat improvements. Such conditions are likely to prohibit work on developing any dwellings until such measures are substantially started.

3.37 When considering the design of proposals for low density rural housing, prospective applicants should consider that their proposed phasing programme could be affected by planning conditions attached to an approval. The Council's expectation of how sites are to be developed is as follows:

- Prior to work on any dwellings or other buildings, details of any paths work, planting or tree/woodland maintenance should be submitted to and approved by the Council;
- Prior to work on any dwellings or other buildings, trees and areas of woodland should be fenced off with stockproof fencing and be planted in accordance with the consented scheme;
- Prior to occupation of any dwelling, the Council should have written confirmation that arrangements for adequate sewerage disposal/treatment is operational.

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4. Site Specific Matters

Leadburn

4.1 This site is located to the west of the A701 and the land slopes gently upwards from east to west. The eastern part is ~~more boggy and unsuitable for development~~ **more suitable for biodiversity enhancement, particularly to wetland habitat**, while the western part consists of a raised terrace which is on firmer ground. Therefore, it is considered that this western part is more suitable for built development. While a flood risk assessment was prepared at the time of the 2006 Public Local Inquiry, which demonstrated that the site could be developed without unacceptable risk of flooding, an update to this work will be required.



Map 2: Low Density Rural Housing RD2 Site at Leadburn

4.2 A possible access point to the site is to the north east, which avoids areas of biodiversity value. It will need to be demonstrated at the time of the planning application that sightlines in accordance with the Council's roads standards can be provided. A shared access driveway should suffice to serve two houses. Alternative access options will be considered should this option prove impossible.

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4.3 The biodiversity assessment (2006) identified the tree corridor and burn running through the site as features of value which should not be damaged or interfered with. The boggy areas is dominated by grasses, sedges and rushes, which should be left undeveloped for their biodiversity value. The tree corridor at the north and western edges of the site should be retained (the avenue of Beech Trees is covered by Tree Preservation 1 of 2014 (079)). Drainage of these areas will not be supported and details of any large scale planting in the vicinity of them should be submitted to ensure that they will not become dried out. The provision of ponds within the site will be supported as a means of supporting biodiversity, as will the provision of bat boxes on any buildings.

4.4 Scottish Water's (SW) distribution network stops at Wellington, 500m to the north. Should the cost of extending SW's infrastructure be in excess of reasonable cost contribution, and would likely impose a large and impracticable burden on developers of the site, a private water supply may be acceptable. Surface water drainage should utilise sustainable principles to ensure that run-off flows are attenuated and water is cleaned of contaminants. The density of these sites is such that drainage by septic tank should be acceptable, although the design chosen may have to reflect the poor drainage conditions in the area. The SW foul drainage system does not enter this area.

4.5 No planning applications or other interest in development of the site have been forthcoming since 2006. If this remains the case during the production of the next Local Development Plan, the Council will have to review whether to retain this site under the auspices of Policy RD2.

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Netherton

4.6 The site covers an area to the east of the A701.



Map 3 : Low Density Rural Housing RD2 Site at Netherton

4.7 Planning permission was granted for a dwelling in 2015 and has since been implemented, via the formation of an access track; no further development has occurred. Planning permission was then approved for a café with an attached dwelling and a small cluster of yurts in 2018. Associated schemes of landscape and biodiversity management have also been agreed. Initial biodiversity enhancement works have been carried out involving the planting of 16,535 trees. It is hoped that this site provides a positive example of what can be achieved with the necessary commitment and forethought.

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Wellington

4.8 The site covers an area to the east of the A701, immediately north of the Wellington-Howgate link road and to the south of the Netherton site.



Map 4 : Low Density Rural Housing RD2 Site at Wellington

4.9 It is proposed to split the site in two, with access off the Wellington-Howgate link road. An additional passing place is to be provided in connection with another consented application in the locality, and a further passing place may be required depending on the intensity of use of the site. The higher ground to the north and north-east should be avoided for any built development.

4.10 The site covers three fields, and it is considered that these should form the basis of two plots (the most easterly of the fields should not form a plot in its own right as it is steeply graded and, being further along the unsuitable Wellington-Howgate link road, is more difficult to access). The site should be accessed from the western part of the Wellington-Howgate link road, from a point as close to the A701 as reasonably practicable.

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4.11 The earlier biodiversity assessment identified the trees and water course running through the site as features of value which should not be damaged or interfered with. **There is also opportunity for these existing features to be incorporated into habitat and restoration proposals as part of development. The existing features could form a mosaic of habitats to create a high quality, biodiverse site that would provide a welcome setting for development.**

4.12 The areas dominated by grasses and sedges/rushes should be left undeveloped. Planting on the grass and sedge/rush should be avoided in case they dry out. The formation of a pond designed purposefully for the stimulation of biodiversity is supported, as are the inclusion of bat boxes within the new houses.

4.13 SW's distribution network serves the area, and a public water supply should be installed. The sites should be able to take advantage of mains sewerage but, if not, a private drainage solution, adapted to the local conditions, should be adopted. The SEPA document 'Planning advice on waste water drainage' should be consulted for further guidance on surface and foul water drainage.

4.14 The Council is of the opinion that redeveloping Wellington School is desirable for improving the local landscape, given the prominence of this site. Providing adequate access to this site is the main impediment to such a redevelopment and a number of options have been examined to overcome this, including the possibility of providing an access route across the Low Density Rural Housing site at Wellington. Policy RD2 states that development of a higher density than normally permitted under this policy would be acceptable to facilitate such an access, provided that development is of a lower density than for the urban housing allocations identified in the plan, be low rise and avoid development on the higher ground in the east of the site. A safe entrance onto the A701 will need to be provided that can service both of the sites.

4.15 A planning application was lodged in March 2020 on the Wellington School site under the provisions of LDP Policy AHs5. Access is proposed by way of a new junction onto the A701 to the south of the site. Access would serve the school site only, and not the RD2 site to the north-east.

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Springfield

4.16 The site covers an area to the east of the A701 and north of Springfield Road.



Map 5 : Low Density Rural Housing RD2 Site at Springfield

4.17 The site was originally allocated under the 2008 Local Plan Policy HOUS5. It was suggested in the HOUS5 Supplementary Planning Guidance that the site could be divided into two sections in order to accommodate two dwellings.

4.18 The site is in two separate ownerships. One dwelling was consented on the southern portion of the site in 2012 and has since been implemented via the erection of fencing to demarcate the housing plot. The land associated with the southern portion of the site has been brought back into agricultural use; this has involved drainage improvements and biodiversity enhancements at the field edges.

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4.19 At the time this Guidance was written, the remaining land to the north of the site had not been subject to any planning applications and was used for keeping sheep. The northern section of the site contains extensive wet areas which may contribute towards the restoration of wetland habitat networks in the area.

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Appendix A: Suitable Shrub and Tree Species

The following provides an indicative list of plant species and mixes that are considered locally appropriate to the area of Midlothian described in this Supplementary Guidance. Plant specifications should comprise mostly native species of local provenance. Sourcing of Scottish grown plant material is preferred to ensure hardiness to local conditions.

Landscape Standards

To ensure appropriate standards of workmanship, landscape operations should comply with the recommendations set out in the following codes and recommendations:

- General landscape operations - to BS 4428:1989;
- Trees in relation to design, demolition and construction - to BS 5837:2012; and
- BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations.

Mixed Species Hedgerows

- *Double staggered row; 9 plants per linear metre (min. 40-60cm bare root stock*
- *Plant in groups of no less than 5 of each species*
- *Percentage of each species to reflect local conditions/ prevalence*

Latin Species Name	Common Species Name
Acer campestre	Field Maple
Crataegus monnogyna	Hawthorn
Prunus spinosa	Blackthorn
Rosa canina	Dog Rose
Ilex aquifolium	Holly

Single Species Hedgerows

Latin Species Name	Common Species Name	Planting Specification
Crataegus monogyna	Hawthorn	40-60; bare root; 9 per linear metre

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Latin Species Name	Common Species Name	Planting Specification
Fagus sylvatica	Beech	40-60; bare root; 9 per linear metre
Ilex aquifolium	Holly	30-40; 1L pot; 9 per linear metre

Structure Planting Trees

- All trees to be planted in groups of no less than 5 of each species (whips/ feather size)
- Plant on a matrix; 1 plant every 3m/ 1.5m staggered centres

Latin Species Name	Common Species Name
Acer campestre	Field Maple
Alnus glutinosa	Common Alder
Betula pendula	Common Silver Birch
Fagus sylvatica	Scots Pine
Prunus Avium	Gean or Wild Cherry
Quercus petraea	Sessile Oak
Sorbus aucuparia	Rowan

Shrubs

- Plant on a matrix at 1m staggered centres
- All shrubs to be planted in groups of no less than 9 of each species (1+1 transplant)

Latin Species Name	Common Species Name
Crataegus monogyna	Hawthorn
Ilex aquifolium	Holly
Prunus spinosa	Blackthorn

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Latin Species Name	Common Species Name
Sambucus nigra	Elderberry
Viburnum opulus	Guelder Rose

Species rich flowering lawn

To be specified suitable for relaxed mowing (to 10cm in the growing season) but allowed to flower between July and August. Suitable for low foot traffic grassed areas in place of amenity grass mix (e.g.: for service strips or non-intensive amenity grass areas rather than private gardens. Species composition and proportions to seed supplier's specification and recommendations based on individual sites but may include:

Latin Species Name	Common Species Name
Wild Flowers	
Galium verum	Lady's Bedstraw
Leontodon hispidus	Rough hawkbit
Scorzoneroide autumnalis	Autumn Hawkbit
Silene vulgaris	Bladder Campion
Leucanthemum vulgare	Oxeye Daisy
Lotus corniculatus	Birdsfoot Trefoil
Primula veris	Cowslip
Prunella vulgaris	Selfheal
Ranunculus acris	Meadow Buttercup
Trifolium pratense	Wild Red Clover
Achillea millefolium	Yarrow
Anthyllis vulneraria	Kidney Vetch
Dianthus deltoids	Maiden pink
Fragaria vesca	Wild Strawberry

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Latin Species Name	Common Species Name
<i>Helianthemum nummularium</i>	Rock Rose
<i>Hypochaeris radicata</i>	Cat's Ear
<i>Lotus corniculatus</i>	Birdsfoot Trefoil
<i>Origanum vulgare</i>	Wild marjoram
<i>Pimpinella saxifrage</i>	Burnet Saxifrage
<i>Rumex acetosella</i>	Sheep's Sorrel
<i>Succisa pratensis</i>	Devil's Bit Scabious
<i>Thymus polytrichus</i>	Wild Thyme
<i>Trifolium repens</i>	White Clover
<i>Veronica chamaedrys</i>	Germander Speedwell
<i>Veronica officinalis</i>	Common Speedwell
<i>Viola riviniana</i>	Common Dog Violet
Grasses	
<i>Agrostis capillaris</i>	Common Bent
<i>Cynosurus cristatus</i>	Crested Dogstail
<i>Festuca rubra</i>	Red Fescue
<i>Phleum bertolonii</i>	Smaller Cat's Tail
<i>Agrostis capillaris</i>	Common Bent
<i>Festuca brevipolia</i>	Hard Fescue
<i>Festuca rubra ssp commutata</i>	Chewings Fescue
<i>Poa pratense</i>	Smooth-stalked Meadow Grass

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Example Meadow Seed Mixes: For transition from more managed areas to more naturalised areas. NB: final species lists, percentages and sowing rates to seed suppliers recommendations and to be suited to specific site conditions.

Urban Pollinator Mix: including annuals, biennials and perennials:

Latin Species Name	Common Species Name
Wildflowers	
<i>Achillea millefolium</i>	Yarrow
<i>Centaurea cyanus</i>	Cornflower
<i>Centaurea nigra</i>	Common Knapweed
<i>Daucus carota</i>	Wild Carrot
<i>Echium vulgare</i>	Vipers Bugloss
<i>Glebionis segetum</i>	Corn Marigold
<i>Hypochaeris radicata</i>	Cats-ear
<i>Knautia arvensis</i>	Field Scabious
<i>Leontodon hispidus</i>	Rough Hawkbit
<i>Leucanthemum vulgare</i>	Ox-eye Daisy
<i>Papaver rhoeas</i>	Corn Poppy
<i>Primula veris</i>	Cowslip
<i>Primula vulgaris</i>	Primrose
<i>Prunella vulgaris</i>	Selfheal
<i>Ranunculus acris</i>	Meadow Buttercup
<i>Rhinanthus minor</i>	Yellow Rattle
<i>Stachys sylvatica</i>	Hedge Woundwort
<i>Succisa pratensis</i>	Devils-bit Scabious

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Latin Species Name	Common Species Name
Taraxacum officinalis	Dandelion
Tripleurospermum inodorum	Mayweed
Vicia cracca	Tufted vetch
Grasses	
Alopecurius pratensis	Meadow Foxtail
Anthoxanthum odoratum	Sweet Vernal Grass
Agrostis capillaris	Common Bent
Cynosurus cristatus	Crested-dogs Tail
Poa pratensis	Smooth Stalked Meadow Grass
Festuca rubra commutata	Chewings Fescue

Hedgerow Meadow Mix

Latin Species Name	Common Species Name
Alliaria petiolata	Garlic Mustard
Campanula latifolia	Giant Bellflower
Centaurea nigra	Common Knapweed
Cruciata laevipes	Crosswort
Digitalis purpurea	Foxglove
Geum urbanum	Herb Bennet
Geranium sylvaticum	Wood Cranesbill
<u>Hypericum perforatum</u>	St John's Wort
<u>Knautia arvensis</u>	Field Scabious

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Latin Species Name	Common Species Name
<u>Leucanthemum vulgare</u>	Ox eye Daisy
<u>Primula vulgaris</u>	Primrose
<u>Rhinanthus minor</u>	Yellow Rattle
<u>Silene dioica</u>	Red Campion
<u>Silene flos-cuculi</u>	Ragged Robin
Stachys sylvatica	Hedge Woundwort
Stellaria holostea	Greater Stitchwort
Teucrium scorodonia	Wood Sage
Torilis japonica	Upright Hedge Parsley
Vicia sepium	Bush Vetch
Grasses	
Agrostis capillaris	Common Bent
Cynosurus cristatus	Crested Dog's Tail
Festuca rubra ssp commutata	Chewings Fescue
Poa nemoralis	Wood Meadow Grass
Poa pratensis	Smooth-stalked Meadow Grass

General Purpose Meadow Mix(species to be adjusted to suit local conditions):

Latin Species Name	Common Species Name
<u>Achillea millefolium</u>	Yarrow
Centaurea nigra	Common Knapweed
<u>Galium verum</u>	Ladys Bedstraw

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Latin Species Name	Common Species Name
<i>Hypochaeris radicata</i>	Cat's Ear
<i>Lathyrus pratensis</i>	Meadow Vetchling
<u><i>Leucanthemum vulgare</i></u>	Ox-eye Daisy
<i>Pimpinella saxifraga</i>	Burnet Saxifrage
<i>Plantago lanceolata</i>	Ribwort Plantain
<u><i>Primula veris</i></u>	Cowslip
<u><i>Prunella vulgaris</i></u>	Selfheal
<i>Ranunculus acris</i>	Meadow Buttercup
<u><i>Rhinanthus minor</i></u>	Yellow Rattle
<i>Rumex acetosa</i>	Common Sorrel
<i>Scorzoneroide autumnalis</i>	Autumn Hawkbit
<u><i>Succisa pratensis</i></u>	Devils-bit Scabious
<i>Vicia cracca</i>	Tufted Vetch
Grasses	
<i>Agrostis capillaris</i>	Common Bent
<i>Alopecurus pratensis</i>	Meadow Foxtail
<i>Anthoxanthum odoratum</i>	Sweet Vernal Grass
<i>Cynosurus cristatus</i>	Crested Dogs Tail
<i>Festuca rubra commutata</i>	Chewings Fescue
<i>Poa pratensis</i>	Smooth Stalked Meadow Grass

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Appendix B: Useful Information

BREEAM Guidance for Developers

Scottish Government Planning Advice Note (PAN) 72 - [Planning Advice Note 72: Housing in the countryside - gov.scot \(www.gov.scot\)](#)

Nature Conservation Planning Guidance (Midlothian Council) - [Nature conservation and sustainable development | Nature conservation planning guidance, 2021 \(midlothian.gov.uk\)](#)

Midlothian Council Local Biodiversity Action Plan Midlothian Council site landscape assessments (held by Midlothian Council)

Midlothian Council site biodiversity assessments (held by Midlothian Council)

Midlothian Council Core Paths Plan (2009) - [Midlothian Core Paths | Midlothian Council](#)

Midlothian Council Green Network Supplementary Guidance - [MLDP Approved Supplementary Guidance | Green Network Supplementary Guidance \(adopted 02/08/18\) 6.45MB \(midlothian.gov.uk\)](#)

Pollinators in Planning and Construction , Scottish Natural Heritage (2021) - [Scottish Natural Heritage - Pollinators in Planning and Construction](#)

Developing with Nature Guidance, Scottish Natural Heritage (2021) [Developing with Nature Guidance](#)

Scottish Water Customer Guide Scottish Water 'Sewers for Scotland 4'

Planning Guidance on Waste Water Drainage (SEPA)

British Standard 5837 (2012)

British Standard 3998 Tree Work Recommendations

Susdrain for good practice SUDS examples - www.susdrain.org

Scottish Forest Strategy, 2019-2029 - [Scottish Forestry - Forestry Strategy](#)

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