

Haversham-cum-Little Linford Neighbourhood Plan

Reg 16 consultation responses

George Paton

Acting for T M Paton and Son of Hill Farm, Haversham

I write in response to the Haversham Neighbourhood Plan Consultation to make the following comments:

1. We would like to make sure that following wording within Planning Policy DS5 Open Countryside the current Plan:MK 2016 – 2031 is included within the Haversham Neighbourhood Plan:

“Policy DS5 OPEN COUNTRYSIDE

A. The Council defines Open Countryside as all land outside the development boundaries defined on the Policies Map. Planning permission within the open countryside will only be granted for development which is essential for agriculture, forestry, countryside recreation, highway infrastructure or other development, which is wholly appropriate to a rural area and cannot be located within a settlement, or where other policies within this plan indicate development would be appropriate.

B. Limited extensions or ancillary structures to existing buildings situated in the open countryside are acceptable in principle, provided that their scale and visual impact do not have a detrimental impact on the open character of the countryside.

C. Replacement dwellings might be acceptable provided that the impact on the character of the open countryside is equal to or less than the dwelling it replaces. Replacement dwellings should meet the following criteria:

1. Be compact and well-designed, in turn, retaining sufficient space around the dwelling to provide an attractive setting and to protect the character of the countryside.
2. To not create a visual intrusion on the skyline or in the open character of the surrounding countryside.
3. To be within similar scale of the existing dwelling it intends to replace.

D. New dwellings which are of exceptional quality or innovative in the nature of their design might be accepted where they conform with paragraph 55 of the NPPF.”

2. We would like to make sure that Planning Policy ER8 Employment and the Rural Economy of the current Plan:MK 2016 – 2031 is included within the Haversham Neighbourhood Plan. This policy states the following:

“Policy ER8 EMPLOYMENT USES AND THE RURAL ECONOMY

A. Proposals which sustain and enhance the rural economy by creating or safeguarding jobs and businesses will be supported where they are of an appropriate scale for their location and respect the environmental quality and character of the open countryside. B. The following types of development are considered to be acceptable:

1. The re-use of farm buildings.
2. Schemes for farm diversification involving small-scale business and commercial development.

3. Small-scale tourism proposals including visitor accommodation.
4. Proposals that recognise the economic benefits of the natural and historic environment as an asset to be valued, conserved and enhanced.
5. The expansion of small-scale businesses in their existing locations depending on the nature of the activities involved, the character of the site and its accessibility.
6. The use of land for agriculture, forestry, fisheries and equestrian activity. 7. Small scale employment development to meet local needs.”

3. We would like to make sure that Planning Policy SC3 Low Carbon and Renewable Generation of the current Plan:MK 2016 – 2031 is included within the Haversham Neighbourhood Plan. This policy states the following:

“Policy SC3 LOW CARBON AND RENEWABLE ENERGY GENERATION

- A. The Council will encourage proposals for low carbon and renewable energy generation developments that are led by, or meet the needs of local communities.

B. Planning permission will be granted for proposals to develop low carbon and renewable energy sources (including community energy networks) unless there would be:

1. Significant harm to the amenity of residential area, due to noise, traffic, pollution or odour;
2. Significant harm to wildlife species or habitat;
3. Unacceptable landscape and visual impact on the landscape, including cumulative impacts;
4. Unacceptable harm to the significance of heritage assets; and
5. Unacceptable impact on air safety.

C. In addition to the above criteria, wind turbines should avoid unacceptable shadow flicker and electro-magnetic interference and be sited an appropriate distance away from occupied properties, consistent with the size and type of the turbine. Proposals to develop solar PV farms should avoid unacceptable visual impact from the effect of glint and glare on the landscape, on neighbouring uses and aircraft safety. Proposals for large scale renewable energy in the open countryside should be informed by a satisfactory landscape and visual impact assessment. D. In the case of energy generation through wind power, permission will only be granted for proposals where:

1. The proposed site is identified in a Neighbourhood Development Plan or other Development Plan Document as a suitable site for wind energy generation; and
2. Following consultation with local residents, it can be demonstrated that the planning impacts identified can be fully addressed, and therefore the proposal has the backing of the local community; and
3. The proposal complies with national and local guidance, including the Council's Wind Turbines SPD and Landscape Sensitivity to Wind Turbine and Solar PV Development document.”

4. We need to make sure the Haversham Neighbourhood Plan does not prevent the ability to build a dwelling for the essential need for a rural worker to live permanently at or near their place of work in the countryside, as per the exceptions allowed for under paragraph 80 of the National Planning Policy Framework (NPPF). As such the Haversham Neighbourhood Plan should be amended to make sure farmers and farm workers within Haversham can use the exemption within paragraph 80 a) as written

with the NPPF. In addition the Haversham Neighbourhood Plan should not prevent the exempted developments covered by paragraph 80 c) and e) of the NPPF which states:

“Paragraph 80 of the NPPF

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

5. We need to make sure the Haversham Neighbourhood Plan does not prevent the ability for farmer / agricultural business to diversify their businesses outside of agriculture as allowed for with paragraph 84 a), b) and c) of the NPPF which states:

“Paragraph 84 of the NPPF Supporting a Prosperous Rural Economy

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside”

The National Planning Policy Framework clearly promotes the development and diversification of agricultural and other land-based rural businesses, and as such these policies written with Plan:MK 2016-2031 should be available for my clients. I trust that the above policies will be clearly not blocked and the amendments to the Haversham Neighbourhood Plan we requested above and in our previous consultation response are included by the Neighbourhood Plan Independent Inspector within their amended version of the Haversham Neighbourhood Plan.

Landowner Consultation Objections to the Neighbourhood Plan for Haversham-cum-Little Linford Paris

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TM Paton and Son

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Date: 16th November 2022

Background

WebbPaton are instructed by Andrew, Rachel and Gillian Paton of Hill Farm, Haversham, MK19 7DY to prepare objections to sections of the proposed Neighbourhood Plan for Haversham-cum-Little Linford Parish. T M Paton and Sons run their farming business on 1,126 acres within the Haversham cum Little Linford Parish (the Plan of Hill Farm Haversham shows the land the Paton's farm within the parish. The family have followed NFU/ DEFRA advice and have diversified some of their buildings out of agriculture into commercial lets. This Neighbourhood Plan will limit the ability for the family to further diversify away from agriculture on their land and at their farm buildings.

The family wish to object to various clauses within the proposed Neighbourhood Plan for Haversham-cum-Little Linford Parish which have a severe impact on land and property they own / occupy.

A Neighbourhood Plan has a duty to act under Human Rights legislation and cannot be prejudicial to any one landowner within the parish. Within the Haversham Neighbourhood Plan Pre Submission Draft are a number of plans, policies and statements which have never been consulted upon and have no evidence base to justify their inclusion. For example areas designated of archaeological importance, and land owned by TM Paton and Sons is shown incorrectly as part of the Linear Park

(Linear Parks in Milton Keynes are all owned by Milton Keynes Parks Trust not owned by private landowners). The objections below clearly identify the areas of concern where the Neighbourhood Plan Steering Group appear to have made their own opinion rather than a policy based on an evidence base.

TM Paton and Sons want to make it clear that they wish their objections to be forwarded to the Independent Examiner of the Haversham cum Little Linford Neighbourhood Plan, so he or she can make the appropriate amendments. The objections we made previously to Haversham Parish Council on their last consultation have also not been considered or made available in full to the Examiner within the Haversham-cum-Little Linford Neighbourhood Plan Regulation 14 Summary Report despite my client's requests when we responded. As such we attach the full representations my clients made to the Neighbourhood Plan Committee on 19th April 2022.

Paragraph 35b) of the NPPF clearly states "plans must be justified taking into account reasonable alternatives and based on proportional evidence. It is believed that there is no evidence to support parts of the proposed Neighbourhood Plan for Haversham-cum-Little Linford Parish.

These objections are to be made available to the Independent Examiner so he can consider that alterations he/she needs to make and we presume our objections will be made available to under the Neighbourhood Planning General Regulations sections 17 and 21.

Objection

- 1. Front page** A Neighbourhood Plan is only in place for 5 years so the dates 2016 to 2031 need removing.
- 2. Page ii The definition of "Area of Special Character"** Again there should be robust evidence to support any area designated as such, from an independent landscape consultant.
- 3. Page iii The definition of "Designated Heritage Assets"** There should be robust evidence to support any area designated as such, from an independent archaeological consultant.
- 4. Page iii The definition of "Evidence Base"** Where it refers to this Neighbourhood Plan has its own evidence base which is published alongside this plan, we cannot see any substantiated evidence from any landscape consultants, ecologists, Milton Keynes Parks Trust, RSPB, BBONT, or qualified archaeologists to support parts of this Neighbourhood Plan.
- 5. Page iii The definition of "Floodplain"** Should be amended to follow the Flood Maps produced by the Environment Agency (I attach the Environment Agency Flood Map showing where they as the lead flood authority consider to be Flood Zones 2 and 3 within the Neighbourhood Plan area). It appears that areas have been designated as being prone to flooding within this Pre Submission draft is without any substantiated evidence or hydrological survey prepared by a qualified hydrologist. In fact some of the areas shown to be prone to flooding are on steep hills and away from any watercourses or ditches. I attach below the areas considered to be within Floodplain 2 and 3 on the Environment Agency's Flood Map, surely the areas defined as flood plain should be as per this plan.



6. **Page iii The definition of “Green Belt”** Should refer to the appropriate legislation which designates Green Belts and the wording “Whilst there are no Green Belts in the Parish, there are Local Green Space designations which gives protection consistent with that in respect of the Green Belt” should be deleted as this is overly protective. The fact is there are no Green Belts anywhere near Milton Keynes. The nearest being over 40 miles away for London Green Belt which allocated by Act of Parliament in 1938. Such statement prevents diversification out agricultural in commercial development, and also prevent the building of farm buildings. Using the wording Green belt is totally misleading, and any Neighbourhood Plan imposing the severe constraints of a Green Belt is beyond the powers of the National Planning Policy Framework and the powers given to Neighbourhood Planning. If this clause remains we will seek to challenge the Neighbourhood Plan legally as it would impose a massive burden on my clients business.

7. **Page iii The definition of “Green and Blue Infrastructure”** Is far too wide and overarching. Haversham cum Little Linford already has a large number of footpaths and bridlepaths (see the plan of Hill Farm which shows the numerous footpaths/ bridlepaths within the Parish). This clause should be deleted based on the Human Rights Act, as this affects the livelihood of my clients and their property assets.

8. **Page iv The definition of “Non Designated Heritage Assets”** This should be deleted and heritage assets should only include those within Annex 2 of the NPPF.

9. **Page vi and page 7 Plan B The Ouse Valley Linear Park Map** Includes land not owned by Milton Keynes Parks Trust. We attach a plan showing the areas owned by TM Paton and Son which need to be removed from the Linear Parks Plan. The Linear Parks Plan should be identical to the Linear Parks

Plan under Policy DS6 within the Plan:MK 2016 – 2031 which is the current Milton Keynes Local Plan. The relevant Linear Park area is the Linford Lakes Linear Park. This is on an area which excludes land in private ownership away from Milton Keynes Parks Trust, so excludes the TM Paton and Son owned land.

10. Page vi and page 7 Plan B The Ouse Valley Linear Park In the southern part of the parish of Milton Keynes is incorrectly drawn. On the current Milton Keynes Local Plan the land which is within private ownership, owned by my clients TM Paton and Sons is not shown as being within the Linford Lakes Linear Park. In fact The Ouse Valley Linear Park does not feature in the Milton Keynes Local Plan. It is only referred to as the Linford Lakes Linear Park, and at no point does it come north of the River Ouse. All of the Linford Lakes Linear Park is south of the River Ouse on land owned by Milton Keynes Parks Trust. This plan needs to be redrawn excluding the land owned by TM Paton and Sons. There is no evidence base that TM Paton and Sons land should be or is a Linear Park. I attach a plan called "Hill Farm, Haversham" showing the area owned by TM Paton and Sons, which is outside of the Linford Lakes Linear Park coloured pink.

11. Page vi and page 9 Plan C We are unsure where the evidence on the Flood Risk Assessment Plan comes from. I attach the Environmental Agency flood plan above showing completely different evidence to that produce by the Haversham Neighbourhood Steering Group. Surely as the Environment Agency are the lead flood department their plan should be used in the Neighbourhood Plan not one which has not be surveyed. Some of areas which are shown on Plan C are on hills and far away from any ditches, rivers or streams, so well away from areas that could possibly flood.

12. Page vi and page 18 and 31 Plan F. The plan showing the extent of Archaeological Notification Sites does not match those produce by English Heritage. As such we are unsure where the evidence for this plan comes from. If you look at DEFRA's Magic Maps and on English Natures Historical maps there are no known archeological sites on the land owned by TM Paton and Sons. As such the plan should be redrawn removing anything within this designation on the land owned by TM Paton and Sons. See the map attached show TM Paton and Sons landownership. I attach a plan called "Hill Farm, Haversham" showing the area owned by TM Paton and Sons that needs to be removed from this plan as there is no evidence of how the orange lines on Plan F have been based upon.

13. Page vii Forward. Please note the Neighbourhood Plan Steering Group have introduced new elements within this Submission draft which have never been consulted with the local landowners which the plan impacts. As such there are errors within the Pre Submission draft which need correcting, altering and / or deleting. When the Neighbourhood Plan Committee consulted TM Paton and Sons comments were not taken into account and the plan was not altered. TM Paton and Sons as a large landowner and a major occupier of the village area have not been consulted on many of the issues that have been introduced in this version of the Neighbourhood Plans. T M Paton and Son should have been as a major stakeholder in what happens within the village, and on the property they run their business from. Under the Human Rights Act a Neighbourhood Plan which is prejudicial to a landowner and their property is illegal. The impact of this Neighbourhood Plan wording is extremely negative to how my clients can enjoy their life and their property which is simply wrong.

14. Page 2 paragraph 1.8 / 1.9 Strategic Environment Assessment and the Habitats Assessment What has been produced by the Haversham Neighbourhood Steering Group is not either of these. What appears to be have produced is a site analysis of each of the short listed site options. This was not independently reviewed. As such no reliance on this can be included within the plan relating to both the Strategic Environment Assessment and the Habitats Assessment. We would expect a qualified independent ecologist or environmental consultant to have carried out such a survey.

15. **Page 4 paragraph 2.2** regarding the Ouse Valley be designated a Linear Park. The Linear Park in Plan MK is known as the Linford Lakes Linear Park. The TM Paton and Sons land is privately owned and farmed as productive agricultural land, which should not be designated as part of Linear Park. Our land is intensively arable farmed or in short term intensive specialist grasses for feeding our beef herd, it is not open for public access other than on bridlepaths and footpaths and is not parkland. The Wildlife Corridor described is a separate allocation within Plan MK, so the word “also” should be deleted. This Wildlife Corridor has never been discussed with TM Paton and Son. We do not see this as a planning matter that should be dealt with by a Neighbourhood Plan. My client is voluntary within Countryside Stewardship and the Environmental Land Management Scheme, where on the farm they want ecology and wildlife corridors is up to my clients not as part of the Neighbourhood Plan. As such any wildlife corridors should be totally removed from the TN Paton and Son owned land, which is outlined in pink on the attached Hill Farm, Haversham Plan. There is no independent ecologist evidence on the locations chosen by the Neighbourhood Plan for the Wildlife Corridors identified, so this section on Wildlife Corridors should be deleted

16. **Page 4 paragraph 2.4** As commented before Plan C appears to have no evidence base and should be replaced by the Environment Agency’s plan, as they are the lead flood authority. We attach plan showing where the Environment Agency consider Flood Zones 2 and 3 should be. As stated before some of the areas shown to flood on the Neighbourhood Plan Map C are actually on hills, and nowhere near watercourses, and definitely never flood, therefore the plan and the comment within this section that “much of the southern and eastern part of the village flood” is incorrect and needs altering and reference back to the Environment Agency Flood Maps.

17. **Page 5 paragraph 2.12** we would like to see this clause deleted.

18. **Page 7 Plan B The Ouse Valley Linear Park Plan** This includes productive farmland owned by TM Paton and Sons which is not part of the Linford Lakes Linear Park. This needs amending to remove the land coloured pink on the Hill Farm, Haversham plan from the Linear Park area. This is the land owned by TM Paton and Sons. We do also question the relevance of referring to the Linear Park when it is covered within the Milton Keynes Local Plan. It is not up to a Neighbourhood Plan to allocate where a Linear Park is located. As such this section should be removed from the Neighbourhood Plan.

19. **Page 8 Plan C** As commented before Plan C appears to have no evidence base and should be replaced by the Environment Agency’s plan, as they are the lead flood authority. We attach a plan showing where the Environment Agency consider Flood Zones 1, 2 and 3 to be. As stated before some of the areas shown to flood on the Neighbourhood Plan Map C are actually on hills, and nowhere near watercourses, and definitely never flood.

20. **Page 9 paragraph 3.5** Some of the allocations within the Neighbourhood Plan do not conform to the MK Mineral Local Plan which was adopted in July 2017. As such any areas which are identified within the MK Minerals Local plan should have no Neighbourhood Plan policy that prevents to removal of such minerals. A local plan should consider the gravel and sand reserves within the parish and the Milton Keynes Mineral Plan policies.

21. **Page 10 paragraph 3.7** the wording “the plan requires no further housing site allocations to be made in Haversham to 2031” needs deleting as it is not correct.

22. **Page 11 paragraph 3.6** the wording “Although expansion to the north of the parish is likely to be very limited given the environment and landscape sensitivities and constraints, green infrastructure and water management” needs deleting as there is no evidence base to support this statement.

23. **Page 11 paragraph 3.11** Some of the allocations within the Neighbourhood Plan do not conform to the MK Mineral Local Plan which was adopted in July 2017. The policies within this Neighbourhood Plan need altering so not to interfere with the Minerals identified on TM Paton and Sons land. As such any areas which are identified within the MK Minerals Local plan should have no Neighbourhood Plan policy that prevents to removal of such minerals. Milton Keynes Council has no evidence that sites adjacent to the parish settlements is not likely to be economic. We have evidence that the extraction of gravel and sand close to Milton Keynes has exceptional value, so this incorrect statement needs deleting.

23. **Page 12 Plan D.** we do not agree with the TM Paton and Son's land being a Linear park or a Wildlife Corridor as it is privately owned land and not a park. This area needs to be removed from the Linear Park allocation. If this is not done Linear Park Policies within the current Plan MK should be identical in the Neighbourhood Plan.

24. **Page 17 Policy HLL2 A** The allocated site is actually north of 27 High Street Old Haversham, not south of. This needs amending.

25. **Page 17** We are concerned that application within the Open Countryside the Neighbourhood Plan does not take into account the reuse of redundant or disused farm buildings and the need for agriculture to diversify out of farming. The farm buildings owned and occupied by TM Paton and Sons are coming to the end of their useful life in agriculture. These are previously developed sites and the Neighbourhood Plan Open Countryside Policy should allow these to be converted for employment needs and / or housing. As such the Neighbourhood Plan should be rewritten to allow for such development or employment opportunities within the parish.

26. **Page 17** within Open Countryside the Neighbourhood Plan should not remove the ability to development agricultural workers dwellings and agricultural buildings as allowed for with the National Planning Policy Framework and Plan MK. It also should not stop Class Q or Class R developments as these are permitted development rights. As such the Neighbourhood Plan should be rewritten to allow for such development or employment opportunities within the parish.

27. **Page 17** within Open Countryside the Neighbourhood Plan should allow for the building of new farm / agricultural buildings. As such the Neighbourhood Plan should be rewritten to allow for such development or employment opportunities within the parish.

28 **Page 17 Policy HLL2** Surely there needs to be a reserve site, if the allocated site does not come through or produces less housing than expected. We also question whether the allocation within the Neighbourhood Plan is large enough for a village of Haversham's size and location considering how close it is to Wolverton railway station and Central Milton Keynes. Other villages of this size such as Castlethorpe have had much more significant development of houses within the last decade. As such consideration should be given by the Neighbourhood Plan Examiner whether enough housing has been identified within this Neighbourhood Plan.

Redundant and Disused Farm buildings / redevelopment of existing buildings should be considered favorably as housing sites within this Neighbourhood Plan. TM Paton and Sons put this idea forward, within their previous consultation responses that such farm buildings should be considered, and this was completely ignored and never consulted on by the Neighbourhood Plan Steering Group. We feel that it is important that there is a policy within the Neighbourhood Plan for Redundant and Disused Farm buildings as they are previously developed land.

29 Page 20 Policy HLL3 Conversion of former farm buildings and building of agricultural workers dwellings should be specifically excluded from needing to be First Homes Exception Sites.

30 Page 26 Policy HLL5 Style It may not be possible to do former farm building conversions from the materials and design matching the existing building, this clause needs to be altered to state to a high architectural standard rather than limiting the materials that can be used.

31 Page 31 The Plan showing the extent of Archaeological Notification Sites Does not match those produce by English Heritage. As such we are unsure where the evidence for this plan comes from. If you look at DEFRA's Magic Maps there are no known archeological sites on the land owned by TM Paton and Sons. As such the plan should be redrawn removing anything within this designation on the land owned by TM Paton and Sons. See the map attached show TM Paton and Sons landownership. I attach a plan called "Hill Farm, Haversham" showing the area owned by TM Paton and Sons that needs to be removed from this plan as there is no evidence of how the orange lines on Plan F have been originated.

32 Page 35 paragraph 5.39 The short term aspirations put forward by the Neighbourhood Plan Steering regarding removing stiles and providing accessible gates on the Mill Road to Little Lane footpath goes through land which is grazed by our beef cattle, as such having accessible gates are not ideal as pedestrians using footpaths often leave the gates open, as such we would rather keep the stiles as is our legal right as a landowner owning a footpath under the Highways Act where they are currently located.

May we remind the Independent Assessor of this Neighbourhood Plan that this is a footpath and not a bridlepath, as such as landowners we are completely within the law having just stiles on a footpath. Please could this element of the Neighbourhood Plan be removed as it is impractical and the landowners do not support it as we do not want this footpath to be upgraded to a bridlepath? We believe these aspirations are outside planning policy and therefore should not be within the Neighbourhood Plan.

33 Page 35 paragraph 5.39 The longer term aspirations put forward by the Neighbourhood Plan Steering Group regarding new footpath bypassing the narrow hill at the north east end of Haversham High Street, from Old Haversham to Little Linford (extension of footpath J) and a new footpath from Old Haversham to Little Linford via Mill Road. These area located on land owned by TM Paton and Son. We have already made previous representations to state we do not support these new footpaths on our land, there is already an existing cross field footpath from Mill Road to little Linford. We currently have numerous footpaths on the TM Paton and Sons land and do not see any need for any more. Please also note that horse riding is not permitted on a footpath, so the reference to horse riding should be deleted. We believe these aspirations are outside planning policy and therefore should not be within the Neighbourhood Plan.

34 Page 36 Policy HLL9 B Biodiversity Net Gain under the Environment Act is now a legal requirement so there is no need to repeat this within the Haversham Neighbourhood Plan.

35 Page 36 Policy HLL9 C Certain developments are allowed within Plan MK Linear Parks relating to tourism and leisure. As HLL9 policy C should be amended to allow such developments, otherwise it conflicts with Plan MK.

36 Page 36 paragraph 5.43 No consultation has ever taken place before regarding the new wildlife corridor adjoin Linford Wood. As the Landowner who owns and occupies this area we have never been consulted. As there is no evidence to support such an allocation within this pre submission draft this

paragraph should be deleted. A Neighbourhood Plan is not allowed to dictate where wildlife corridors are located, it is not a planning matter. We also do not support a wildlife corridor linking Linford Wood and the Ouse Valley Park, this is again on TM Paton and Sons land. As such again reference to this should be deleted.

37 Page 36 paragraph 5.44 No consultation has ever taken place before regarding the new wildlife corridor adjoin Linford Wood. As the Landowner who owns and occupies this area we have never been consulted. As there is no evidence to support such an allocation within this pre submission draft this paragraph should be deleted. A Neighbourhood Plan is not allowed to dictate where wildlife corridors are located, it is not a planning matter. We also do not support a wildlife corridor linking Linford Wood and the Ouse Valley Park, this is again on TM Paton and Sons land. As such again reference to this should be deleted.

38 Page 38 and 39 Policy HLL10 Important Views We can see no evidence to support how these important views have been selected. As such any important view on my clients land should be removed from the Neighbourhood Plan. Therefore delete view 1, 2, 3, 7, 8, 9, 10, and 11 as there is no evidence base to support this allocation within the Neighbourhood Plan.

The Policies Map plans should also be updated to take into account the above alterations

Summary

The Haversham Neighbourhood Plan Steering Group have within their Neighbourhood Plan pre submission document added new sections which have never been consulted upon, some of these have a massive impact on my client, TM Paton and Sons agricultural business. At no time has the Steering Group actually consulted about these items with ourselves. Some of the policies as such have been written with no evidence base to back up why they have been included. Others go against what a Neighbourhood Plan has legal planning powers to control and also go against Plan MK own policies. As such we have pointed out all the amendments my clients would like to Neighbourhood Plan Examiner to amend or delete.

There are potential issues with the "Human Rights Act" with some of the planning policies which are specifically against my client having freedom to do what they want within planning legislation, as this Neighbourhood Plan submission version goes beyond what planning law allows and also does not have the right level of evidence to support some of its allocations and statements. As such it is in eye of the person writing the plan not someone who is considering the supporting evidence in arriving at policies.

I trust these amendments will be made available for the Independent Assessor to consider when he / she reviews the Neighbourhood Plan contents

By email to: haversham.litlinfordclerk@gmail.com

Public Consultation Objections to the Pre-Submission Neighbourhood Plan for Haversham-cum-Little Linford Parish dated February 2022

On behalf of:

TM Paton and Son

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Date: 19th April 2022

Background

WebbPaton are instructed by Andrew, Rachel and Gillian Paton of Hill Farm, Haversham, MK19 7DY to prepare objections to sections of the proposed Pre-Submission Neighbourhood Plan for Haversham-cum-Little Linford Parish. T M Paton and Sons run their farming business within the Haversham cum Little Linford Parish. The family have followed DEFRA advice and have diversified some of their buildings out of agriculture into commercial lets. This Neighbourhood Plan will limit the ability for the family to further diversify away from agriculture on their land and at their farm buildings.

The family wish to object to various clauses within the Pre Submission draft which have a severe impact on land and property they own / occupy.

A Neighbourhood Plan forum has a duty to act under Human Rights legislation and cannot be prejudicial to any one landowner within the parish. Within the Haversham Neighbourhood Plan Pre Submission Draft are a number of plans, policies and statements which have never been consulted upon and have no evidence base to justify their inclusion. For example areas designated of archaeological importance, and land owned by TM Paton and Sons is shown incorrectly as part of the Linear Park (Linear Parks in Milton Keynes are all owned by Milton Keynes Parks Trust not owned by private landowners). The objections below clearly identify the areas of concern where the Neighbourhood Plan Steering Group appear to have made their own opinion rather than a policy based on an evidence base.

TM Paton and Sons want to make it clear that they wish their objections to be forwarded to the Independent Examiner of the Haversham cum Little Linford Neighbourhood Plan, so he or she can make the appropriate amendments.

My client would also like to highlight an important legal point. This consultation on the proposed Pre-Submission Neighbourhood Plan appears to not being consulted through the normal channels via the Milton Keynes Council Consultation website. My client questions whether a consultation which requires responses to be sent to parties on the Neighbourhood Plan Steering Group is an independent consultation? Surely the consultation on a Neighbourhood Plan should at least be published in the local press and on Milton Keynes Council consultation portal. This raises the question as to whether this is a true independent public consultation as is required by the National Planning Policy Framework (NPPF) and under the Neighbourhood Planning General Regulations sections 16 and 21.

Paragraph 35b) of the NPPF clearly states “plans must be justified taking into account reasonable alternatives and based on proportional evidence. It is believed that there is no evidence to support parts of the proposed Pre-Submission Neighbourhood Plan for Haversham-cum-Little Linford Parish.

These objections are to be made available to the Independent Examiner so he can consider that alterations he/she needs to make and we presume our objections will be made available to under the Neighbourhood Planning General Regulations sections 17 and 21.

Objections

1. **Front page** A Neighbourhood Plan is only in place for 5 years so the dates 2016 to 2031 need removing.

2. **Page ii The definition of “Area of Attractive Landscape (AAL)”** Refers to Buckinghamshire. Haversham cum Little Linford is in Milton Keynes and not Buckinghamshire. On researching this document there is none of the parish of Haversham cum Little Linford within any of these areas. So this needs deleting or alternatively it refers to an evidence base where a professional qualified independent landscape consultant has provided evidence that there is an Area of Attractive Landscape within the parish.

3. **Page ii The definition of “Area of Special Character”** Again there should be robust evidence to support any area designated as such, from an independent landscape consultant.

4. **Page iii The definition of “Designated Heritage Assets”** There should be robust evidence to support any area designated as such, from an independent archaeological consultant.

5. **Page iii The definition of “Evidence Base”** Where it refers to this Neighbourhood Plan has its own evidence base which is published alongside this plan, we cannot see any substantiated evidence from landscape consultants, ecologists, Milton Keynes Parks Trust, RSPB, BBONT, or qualified archaeologists to support parts of this Neighbourhood Plan.

6. **Page iii The definition of “Flood Plan”** Should be amended to follow the Flood Maps produced by the Environment Agency (I attach the Environment Agency Flood Map showing where they as the lead flood authority consider to be Flood Zones 1, 2 and 3 within the Neighbourhood Plan area). It appears that area have been designated as being prone to flooding within this Pre Submission draft is without any substantiated evidence or hydrological survey prepared by a qualified hydrologist. In fact some of the areas shown to be prone to flooding are on steep hills and away from any watercourses or ditches.

7. **Page iii The definition of “Green Belt”** Should refer to the appropriate legislation which designates Green Belts and the wording “Whilst there are no Green Belts in the Parish, there are Local Green Space designations which gives protection consistent with that in respect of the Green Belt” should be deleted as this is overly protective. The fact is there are no Green Belts anywhere near Milton Keynes. The nearest being over 40 miles away for London Green Belt which allocated by Act of Parliament in 1938. Such statement prevents diversification out agricultural in commercial development, and also prevent the building of farm buildings. Using the wording Green belt is totally misleading, and any Neighbourhood Plan imposing the severe constraints of a Green Belt is beyond the powers of the National Planning Policy Framework and the powers given to Neighbourhood Planning. If this clause remains we will seek to challenge the Neighbourhood Plan legally as it would impose a massive burden on my clients business.

8. **Page iii The definition of “Green and Blue Infrastructure”** Is far too wide and overarching. Haversham cum Little Linford already has a large number of footpaths and bridle paths. This

clause should be deleted based on the Human Rights Act, as this affects the livelihood of my clients and their property assets.

9. Page iv The definition of “Non Designated Heritage Assets” This should be deleted and heritage assets should only include those within Annex 2 of the NPPF.

10. Page vi Plan B The Ouse Valley Linear Park Map Includes land not owned by Milton Keynes Parks Trust. We attach a plan showing the areas owned by TM Paton and Son which need to be removed from the Linear Parks Plan. The Linear Parks Plan should be identical to the Linear Parks Plan under Policy DS6 within the Plan:MK 2016 – 2031 which is the current Milton Keynes Local Plan. The relevant Linear Park area is the Linford Lakes Linear Park. This is on an area which excludes land in private ownership away from Milton Keynes Parks Trust, so excludes the TM Paton and Son owned land.

11. Page vi and page 8 Plan B The Ouse Valley Linear Park In the southern part of the parish of Milton Keynes is incorrectly drawn. On the current Milton Keynes Local Plan the land which is within private ownership, owned by my clients TM Paton and Sons is not shown as being within the Linford Lakes Linear Park. In fact The Ouse Valley Linear Park does not feature in the Milton Keynes Local Plan. It is only referred to as the Linford Lakes Linear Park, and at no point does it come north of the River Ouse. All of the Linford Lakes Linear Park is south of the River Ouse on land owned by Milton Keynes Parks Trust. This plan needs to be redrawn excluding the land owned by TM Paton and Sons. There is no evidence base that TM Paton and Sons land should be or is a Linear Park. I attach a plan called “Hill Farm, Haversham” showing the area owned by TM Paton and Sons, which is outside of the Linford Lakes Linear Park coloured pink.

12. Page vi and page 9 Plan C We are unsure where the evidence on the Flood Risk Assessment Plan comes from. I attach the Environmental Agency flood plan showing completely different evidence to that produce by the Haversham Neighbourhood Steering Group. Surely as the Environment Agency are the lead flood department their plan should be used in the Neighbourhood Plan not one which has not be surveyed. Some of areas which are shown on Plan C are on hills and away from any ditches, rivers or streams, so well away from areas that could possibly flood.

13. Page vi and page 18 and 31 Plan F. The plan showing the extent of Archaeological Notification Sites does not match those produce by English Heritage. As such we are unsure where the evidence for this plan comes from. If you look at DEFRA’s Magic Maps and on English Natures Historical maps there are no known archeological sites on the land owned by TM Paton and Sons. As such the plan should be redrawn removing anything within this designation on the land owned by TM Paton and Sons. See the map attached show TM Paton and Sons landownership. I attach a plan called “Hill Farm, Haversham” showing the area owned by TM Paton and Sons that needs to be removed from this plan as there is no evidence of how the orange lines on Plan F have been based upon.

14. Page vii Forward. Please note the Neighbourhood Plan Steering Group have introduced new elements within this Pre Submission draft which have never been consulted with the local landowners which the plan impacts. As such there are errors within the Pre Submission

draft which need correcting, altering and / or deleting. This has been the first time that TM Paton and Sons have been able to comment on some allocations within the Neighbourhood Plan which affect how they manage their property. TM Paton and Sons as a large landowner and a major occupier of the village area have not been consulted on many of the issues that have been introduced in this version of the Neighbourhood Plans, as such we are commenting on these elements for the first time. T M Paton and Son should have been as a major stakeholder in what happens within the village, and on the property they run their business from. Under the Human Rights Act a Neighbourhood Plan which is prejudicial to a landowner and their property is illegal. The impact of this Neighbourhood Plan wording is extremely negative to how my clients can enjoy their life and their property which is simply wrong.

15. Page 2 paragraph 1.9 Strategic Environment Assessment and the Habitats Assessment What has been produced by the Haversham Neighbourhood Steering Group is not either of these. What appears to be have produced is a site analysis of each of the short listed site options. As such no reliance on this can be included within the plan relating to both the Strategic Environment Assessment and the Habitats Assessment. We would expect a qualified ecologist or environmental consultant to have carried out such a survey.

16. Page 3 paragraph 1.11 This should have been consulted on through the Milton Keynes Consultation process and not via a member of the Haversham Neighbourhood Plan Steering Group, or the Clerk of the Parish Council neither of which are independent. As such we challenge whether all the comments that we are making will be independently amended. As such we request the Independent Examiner sees my client's comments in full (unedited) when the Pre Submission draft is sent for examination.

17. Page 5 paragraph 2.1 The Independent Examiner should take note that a large area of the Parish, is owned, occupied and farmed by TM Paton and Sons, hence why the contents of the Neighbourhood Plan are so important to them. As a family farm it is important that the Neighbourhood Plan does not stop the ability for the farm to diversify out of agriculture as is the DEFRA policy. As such this Neighbourhood Plan should clearly allow subject to planning as per the Plan MK policy, the development of agricultural buildings, farm workers dwellings, diversification out of agriculture, tourism and leisure activities as those allowed for within the National Planning Policy Framework and Plan MK. As well as Permitted Development such as Class Q and Class R Permitted Development.

18. Page 5 paragraph 2.2 The Linear Park in Plan MK is known as the Linford Lakes Linear Park. The TM Paton and Sons land is privately owned and farmed as productive agricultural land, which should not be designated as part of Linear Park. The land either intensively arable farmed or is short term intensive specialist grasses for feeding our beef herd, it is not open for public access either than on bridlepaths and footpaths and is not park land. The Wildlife Corridor described is a separate allocation within Plan MK, so the word "also" should be deleted. This Wildlife Corridor has never been discussed with TM Paton and Son. We do not see this as a planning matter that should be dealt with by a Neighbourhood Plan. My client is voluntary within Countryside Stewardship and the Environmental Land Management Scheme, where on the farm they want ecology and wildlife corridors is up to my clients not a Neighbourhood Plan. As such any wildlife corridors should be totally removed from the TN

Paton and Son owned land, which is outlined in pink on the attached Hill Farm, Haversham Plan.

19. **Page 5 paragraph 2.4** As commented before Plan C appears to have no evidence base and should be replaced by the Environment Agency's plan, as they are the lead flood authority. We attach plan showing where the Environment Agency consider Flood Zones 1, 2 and 3 should be. As stated before some of the areas shown to flood on the Neighbourhood Plan Map C are actually on hills, and nowhere near watercourses, and definitely never flood.

20. **Page 8 Plan B The Ouse Valley Linear Park Plan** This includes productive farmland owned by TM Paton and Sons which is not part of the Linford Lakes Linear Park. This needs amending to remove the land coloured pink on the Hill Farm, Haversham plan from the Linear Park area. This is the land owned by TM Paton and Sons. We do also question the relevance of referring to the Linear Park when it is covered within the Milton Keynes Local Plan. It is not up to a Neighbourhood Plan to allocate where a Linear Park is located. As such this section should be removed from the Neighbourhood Plan.

21. **Page 9 Plan C** As commented before Plan C appears to have no evidence base and should be replaced by the Environment Agency's plan, as they are the lead flood authority. We attach a plan showing where the Environment Agency consider Flood Zones 1, 2 and 3 to be. As stated before some of the areas shown to flood on the Neighbourhood Plan Map C are actually on hills, and nowhere near watercourses, and definitely never flood.

22. **Page 10 paragraph 3.5** Some of the allocations within the Neighbourhood Plan do not conform to the MK Mineral Local Plan which was adopted in July 2017. As such any areas which are identified within the MK Minerals Local plan should have no Neighbourhood Plan policy that prevents to removal of such minerals.

23. **Page 12 paragraph 3.11** Some of the allocations within the Neighbourhood Plan do not conform to the MK Mineral Local Plan which was adopted in July 2017. The policies within this Neighbourhood Plan need altering so not to interfere with the Minerals identified on TM Paton and Sons land. As such any areas which are identified within the MK Minerals Local plan should have no Neighbourhood Plan policy that prevents to removal of such minerals.

24. **Page 17 Policy HLL1 C** We are concerned that the Open Countryside Policy does not take into account the reuse of redundant or disused farm buildings and the need for agriculture to diversify out of farming. The farm buildings owned and occupied by TM Paton and Sons are coming to the end of their useful life in agriculture. These are previously developed sites and the Neighbourhood Plan Open Countryside Policy should allow these to be converted for employment needs and / or housing.

The Open Countryside Policy within the Neighbourhood Plan should not remove the ability to development agricultural workers dwellings and agricultural buildings as allowed for with the National Planning Policy Framework and Plan MK. It also should not stop Class Q or Class R developments as these are permitted development rights.

25. **Page 17 paragraph 5.4** see point 24 above.

26 **Page 18 Policy HLL2** Surely there needs to be a reserve site, if the allocated site does not come through or produces less housing than expected. We also question whether the allocation within the Neighbourhood Plan is large enough for a village of Haversham's size and location considering how close it is to Wolverton railway station and Central Milton Keynes. Other villages on this size such as Castlethorpe have had much more significant development of houses within the last decade. As such consideration should be given by the Neighbourhood Plan Examiner whether enough housing has been identified within this Neighbourhood Plan.

Redundant and Disused Farm buildings / redevelopment of existing buildings should be considered favourably as housing sites within this Neighbourhood Plan. TM Paton and Sons put this idea forward, within their previous consultation responses that such farm buildings should be considered, and this was completely ignored and never consulted on by the Neighbourhood Plan Steering Group. We feel that it is important that there is a policy within the Neighbourhood Plan for Redundant and Disused Farm buildings as they are previously developed land.

27 **Page 22 Policy HLL3** Conversion of former farm buildings should be specifically excluded from needing to be First Homes Exception Sites.

28 **Page 26 Policy HLL5 Style** It may not be possible to do a conversion from the materials and design matching the existing building, this clause needs to be altered to state to a high architectural standard rather than limiting the materials that can be used.

29 **Page 31 The Plan showing the extent of Archaeological Notification Sites** Does not match those produce by English Heritage. As such we are unsure where the evidence for this plan comes from. If you look at DEFRA's Magic Maps there are no known archeological sites on the land owned by TM Paton and Sons. As such the plan should be redrawn removing anything within this designation on the land owned by TM Paton and Sons. See the map attached show TM Paton and Sons landownership. I attach a plan called "Hill Farm, Haversham" showing the area owned by TM Paton and Sons that needs to be removed from this plan as there is no evidence of how the orange lines on Plan F have been originated.

30 **Page 34 paragraph 5.40** The short term aspirations put forward by the Neighbourhood Plan Steering regarding removing stiles and providing accessible gates on the Mill Road to Little Lane footpath goes through land which is grazed by our beef cattle, as such having accessible gates are not ideal as pedestrians using footpaths often leave the gates open, as such we would rather keep the stiles where they are currently located.

May we remind the Steering Group that this is a footpath and not a bridlepath, as such as landowners we are completely within the law having just stiles on a footpath. Please could this element of the Neighbourhood Plan be removed as it is impractical and the landowners do not support it as we do not want this footpath to be upgraded to a bridlepath? We believe these aspirations are outside planning policy and therefore should not be within the Neighbourhood Plan.

31 Page 34 paragraph 5.40 The longer term aspirations put forward by the Neighbourhood Plan Steering Group regarding new footpaths up the narrow hill at the north east end of Haversham High Street, from Old Haversham to Little Linford (extension of footpath J) This is located on land owned by TM Paton and Son. We have already made previous representations to state we do not support these new footpaths on our land. We currently have numerous footpaths on the TM Paton and Sons land and do not see any need for any more. Please also note that horse riding is not permitted on a footpath, so the reference to horse riding should be deleted. We believe these aspirations are outside planning policy and therefore should not be within the Neighbourhood Plan.

32 Page 35 Policy HLL9 Biodiversity Net Gain under the Environment Act is now a legal requirement so there is no need to repeat this within the Haversham Neighbourhood Plan.

33 Page 35 Policy HLL9 C Certain developments are allowed within Plan MK Linear Parks relating to tourism and leisure. As HLL9 policy C should be amended to allow such developments, otherwise it conflicts with Plan MK.

34 Page 35 paragraph 5.44 No consultation has ever taken place before regarding the new wildlife corridor adjoin Linford Wood. As the Landowner who owns and occupies this area we have never been consulted. As there is no evidence to support such an allocation within this pre submission draft this paragraph should be deleted. A Neighbourhood Plan is not allowed to dictate where wildlife corridors are located, it is not a planning matter. We also do not support a wildlife corridor linking Linford Wood and the Ouse Valley Park, this is again on TM Paton and Sons land. As such again reference to this should be deleted.

35 Page 36 paragraph 5.45 The “Environment Bill” should state “Environment Act” as is it is law. Again this paragraph should be deleted as it is not a planning matter.

36 Page 36 Policy HLL10 Important Views We can see no evidence to support how these important views have been selected.

Summary

The Haversham Neighbourhood Plan Steering Group have within their Neighbourhood Plan pre submission document added new sections which have never been consulted upon, some of these have a massive impact on my client, TM Paton and Sons agricultural business. At no time has the Steering Group actually consulted about these items with ourselves. Some of the policies as such have been written with no evidence base to back up why they have been included. Other go against what a Neighbourhood Plan has legal planning powers to control and also go against Plan MK own policies. As such we have pointed out all the amendments my clients would like to Neighbourhood Plan Examiner to amend or delete.

There are potential issues with the “Human Rights Act” with some of the planning policies which are specifically against my client having freedom to do want they want within planning legislation, as this Neighbourhood Plan submission version goes beyond what planning law allows and also does not have the right level of evidence to support some of its allocations

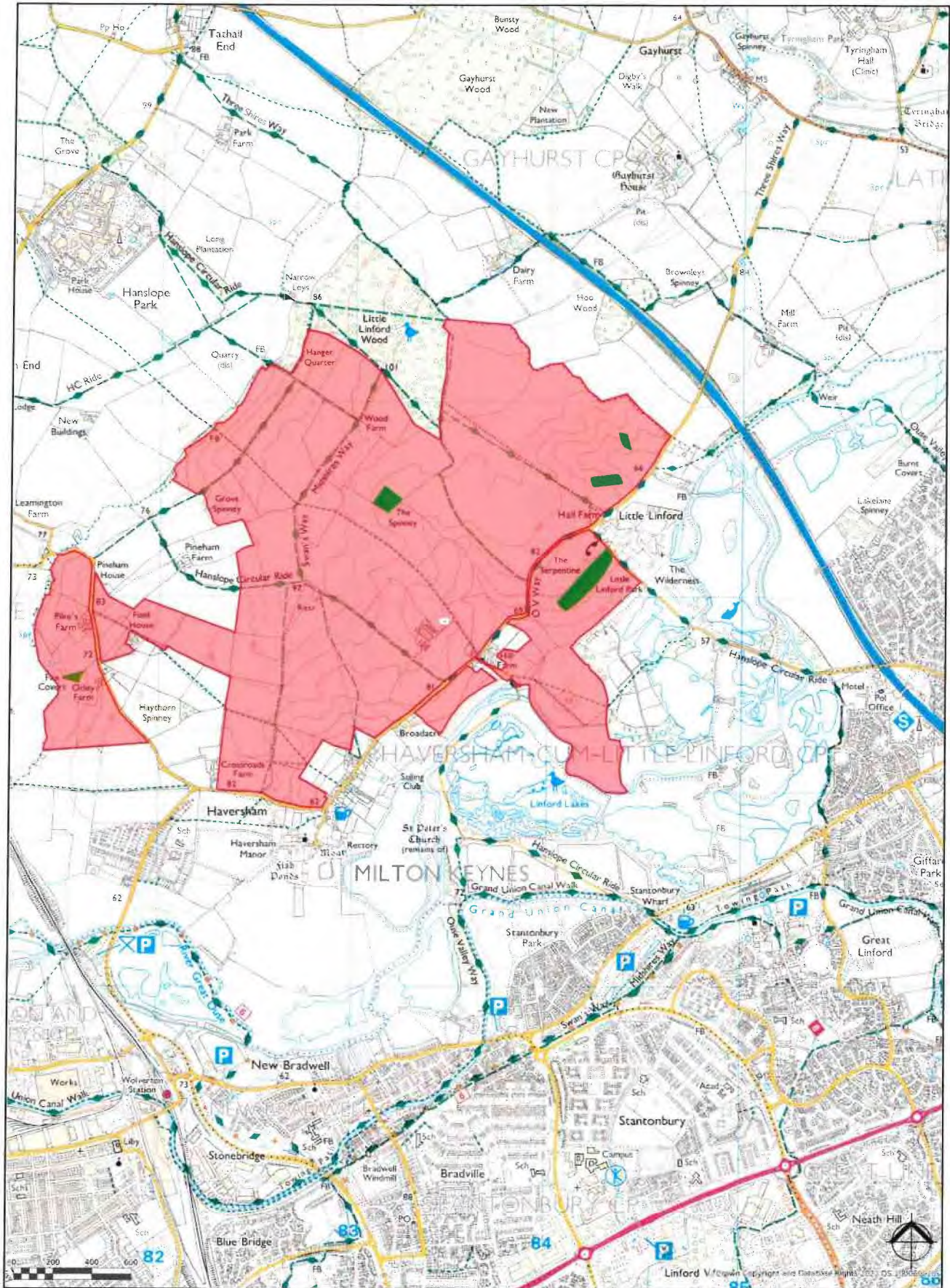
and statements. As such it is in eye of the person writing the plan not someone who is considering the supporting evidence in arriving at policies.

I trust these amendments will be made before the plan is submitted to the Independent Assessor and that our comments are made fully available to the Independent Assessor.

George Paton MRICS FAAV

WebbPaton Planning and Development Consultants on behalf of TM Paton and Son.

gtp





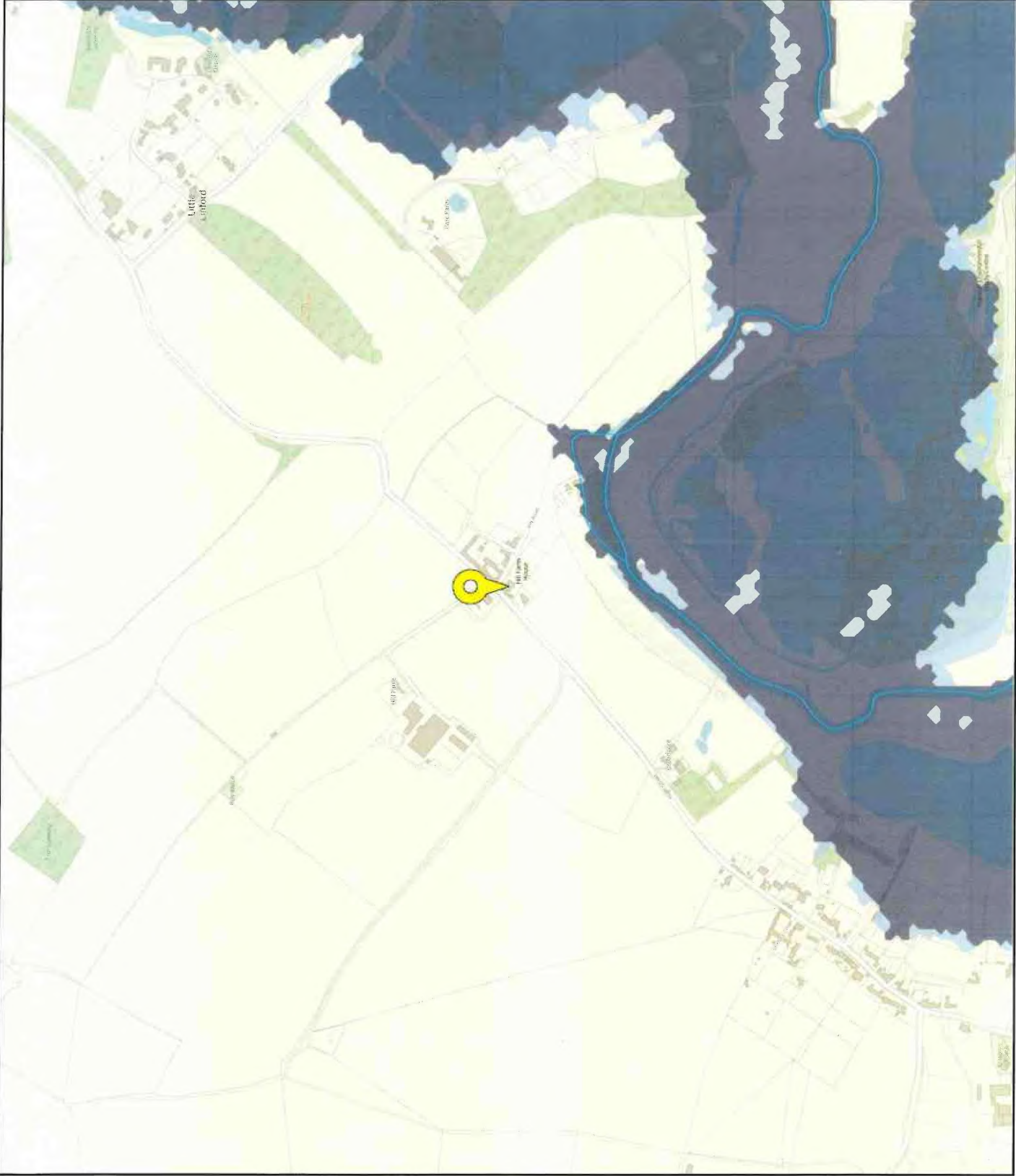
Flood map for planning

Your reference
Haversham

Location (easting/northing)
483638/243660

Scale
1:10000

Created
19 Apr 2022 16:17



Selected point



Flood zone 3



Flood zone 3: areas benefitting from flood defences



Flood zone 2



Flood zone 1



Flood defence



Main river



Water storage area



