

# North Yorkshire Council

## Corporate Director of Community Development

25<sup>th</sup> June 2024

### Designation of Hovingham as a Neighbourhood Area

#### Report to the Corporate Director for Community Development

#### 1.0 PURPOSE OF REPORT

- 1.1 To approve the designation of the whole of Hovingham Parish as a Neighbourhood Area under Part 2(7) of the Neighbourhood Planning (General) Regulations 2012 (as amended), to enable the next stages of the development of Hovingham Neighbourhood Development Plan to commence.

#### 2.0 BACKGROUND

- 2.1 On 12 March 2024 an application was submitted to the Council by Hovingham Parish Council for designation of the parish as a neighbourhood area, to enable them to proceed with formal neighbourhood plan preparations. The submission received is attached as Appendix A.
- 2.2 Neighbourhood planning was introduced through the Localism Act in 2011 and provides communities with direct power to develop a shared vision for their area, shaping development and growth. Neighbourhood planning provides a set of tools for local people to plan for the types of development to meet their community's needs.

#### 3.0 DESIGNATION OF HOVINGHAM PARISH AS A NEIGHBOURHOOD AREA

- 3.1 Hovingham Parish Council has applied to North Yorkshire Council, as the relevant body defined in Section 61G of the Town and Country Planning Act 1990 (the 1990 Act), to designate the whole parish boundary of Hovingham as a Neighbourhood Area.
- 3.2 Part 2(5) of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the relevant body (Parish Council) to submit an area application and must include:
- (a) a map which identifies the area to which the area application relates;
  - (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - (c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- 3.3 The submission is in accordance with these requirements.
- 3.4 Under section 61G(4) of the 1990 Act (as amended by the Localism Act 2011) local authorities, in determining an application, must have regard to "*the desirability of designating the whole of the area of a parish council as a neighbourhood area, and the desirability of maintaining the existing boundaries of areas already designated as a neighbourhood area*". Therefore, the presumption is that councils will designate neighbourhood areas based on existing Parish and Town Council boundaries unless there is a valid planning reason not to do so.

3.5 Part 2(5A) of the Neighbourhood Planning (General) Regulations 2012 (as amended) describes the scenario for designating the whole area of a parish council and this regulation relates where:

- (a) a local planning authority receive an area application from a parish council;
- (b) the area specified in the application consists of the whole of the parish council's area; and
- (c) if any part of the specified area is part of a neighbourhood area, none of that neighbourhood area extends outside the parish council's area.

3.6 The area application submitted meets the above criteria. The area specified in the application correlates with the current parish boundary for Hovingham and does not extend beyond the Hovingham parish.

3.7 Where the criteria of Part 2(5A) applies, the requirements to publicise the area application under Part 2(6 and 6A) does not apply and the Local Planning Authority must exercise their powers under section 61G(5) of the 1990 Act to designate the specified area as a neighbourhood area.

#### **4.0 CONTRIBUTION TO COUNCIL PRIORITIES**

4.1 Once 'made' (adopted), a Neighbourhood Plan forms part of the Development Plan for the area and becomes a key mechanism to help support the delivery of key themes in the Council's Plan for the Hovingham area.

#### **5.0 ALTERNATIVE OPTIONS CONSIDERED**

5.1 Through the Localism Act, the Council has a duty to support Parish and Town Councils who wish to prepare a Neighbourhood Plan. The designation of a Neighbourhood Area by the Local Planning Authority is a critical initial step in the formation a Neighbourhood Plan, options for the plan's policy scope and content will be considered following this stage.

#### **6.0 FINANCIAL IMPLICATIONS**

6.1 There is no cost associated with Neighbourhood Area designation, only the amount of Officer time involved, which is minimal at this stage. However, the Council will incur further costs with the subsequent preparation of the Neighbourhood Plan. This will mainly be through officer time supporting preparation of the Neighbourhood Plan and the cost of examination and referendum. These implications are expected to be covered by financial support from government.

#### **7.0 LEGAL IMPLICATIONS**

7.1 The designation of a Neighbourhood Area is undertaken in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). Local Planning Authorities must designate a Neighbourhood Area if it receives a valid application in accordance with section 61G(5) of the 1990 Act as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

#### **8.0 EQUALITIES IMPLICATIONS**

8.1 At this stage there are no detailed policies to review. Neighbourhood Plans are required to be in general conformity and plan positively to support the strategies set out in the wider Development Plan, which has been subject to Equalities Impact Assessments. All Neighbourhood Plans will be subject to an independent examination, where the Human Rights Act 1998 is considered, and then a local referendum.

## 9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 There are no climate change consideration associated with the report. Where appropriate, a screening report will need to be undertaken once a draft of the Neighbourhood Plan is available to determine whether a Strategic Environmental Assessment (SEA) is required in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. That screening report will also identify any requirement for a Habitat Regulations Assessment in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

## 10.0 REASONS FOR RECOMMENDATIONS

- 10.1 Part 2(7) of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires Local Planning Authorities to either designate the area (7(1)) as set out above or refuse to designate (7(2)).
- 10.2 The Town and Country Planning Act 1990 requires Local Planning Authorities, when determining applications, *'to have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area, and the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas'* (section 61G(4)).
- 10.3 Therefore, the presumption is that Council will designate Neighbourhood Areas based on existing Parish and Town Council boundaries unless there is a valid planning reason not to do so. The application to designate Hovingham as a neighbourhood area meets the requirements set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). The Council as the Local Planning Authority must exercise their powers under section 61G(5) of the Town and Country Planning Act 1990 to designate the parish as a Neighbourhood Area.
- 10.4 This is a matter which would fall within the officer delegation to the Corporate Director of Community Development Officer Scheme of delegation para 9.1 in the Council's constitution. As an executive function, para 9.2 which states: To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member.

## 11.0 RECOMMENDATION

- i) That the Corporate Director of Community Development, in consultation with the Executive Member for Open to Business, approve the designation of the whole of Hovingham parish as a Neighbourhood Area under Part 2(7) of the Neighbourhood Planning (General) Regulations 2012 (as amended), to enable the next stages of the development of Hovingham Neighbourhood Plan to commence.

## APPENDICES:

**Appendix A** – Neighbourhood area application letter 12 March 2024, received from Hovingham Parish Council.

**Appendix B** – Climate Change Impact Assessment screening form

**Appendix C**- Equalities Impact Assessment screening form

*Nic Harne*

Corporate Director for Community Development

County Hall  
Northallerton  
*13<sup>th</sup> June 2024*

Report Author – Lizzie Phippard, Planning Policy Officer  
Presenter of Report – Lizzie Phippard, Planning Policy Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

## Hovingham with Scackleton Parish Council

### Application for commencement of Neighbourhood Plan March 2024

#### Introduction

Hovingham Parish is a small rural parish in North Yorkshire, formerly within the District of Ryedale. It lies equidistant between Malton and Helmsley on the B1257.

Most of the Parish is in the western quarter of the Howardian Hills National Landscapes (formerly an AONB) and in the Conservation area.

The parish is centred on the village of Hovingham, the hamlets of Airyholme and Barton Howe, with a number of woodlands, and farms both inside and outlying to the villages. Approximately 15% of the current homes are “affordable”. The Hovingham Estate owns much of the land in the Parish and about 30% of the houses in Hovingham village.

The village has formed naturally, initially on either side of the road along the B1257. Parts of the village and surrounding area are valley based but much is on hills with excellent views out over the surrounding countryside. The village is currently designated a ‘service’ village as it has a village shop, and a minimal bus service, although no longer a village school.

The village has history going back into the Neolithic, Bronze and Iron ages, artefacts for which have been recorded. Roman activity is also prevalent and well recorded in the village, with recent work indicating a Roman building of some importance. Previous digs have found a bathhouse with mosaic floors. Near the village (Hovingham Spa) are three mineral springs.

In the Domesday Book of 1086 describes *‘Orm as having 8 carucates of land in Hovingham: “There is land for 4 ploughs. The Norman Hugh fitzBaldric ..... has now 2 ploughs there; and 10 villans having 4 ploughs. There is a church and a priest. Dependent on the manor were 15 berewicks’,*

Hovingham, has gradually developed over the years with almost all of the houses built in the local stone (quarried nearby) and facing onto the road. Recent developments (since 1950) have been on land behind, or off the main road. There are many listed buildings including All Saints Church, Hovingham Hall, Lumley House, Manor House, and Village School among others. The village also has a methodist chapel, active Village Hall and monthly market.

Most of the village is contained within a designated conservation area and permitted building line. There are some 210 households in the Parish and 180 within the village, housing a total population of 379, according to the 2021 census.

There are retail and workshop style businesses, featuring a hotel, restaurant, village shop, bakery, hairdresser and cafe, Fireplace supplier and several workshops (cabinetry etc)

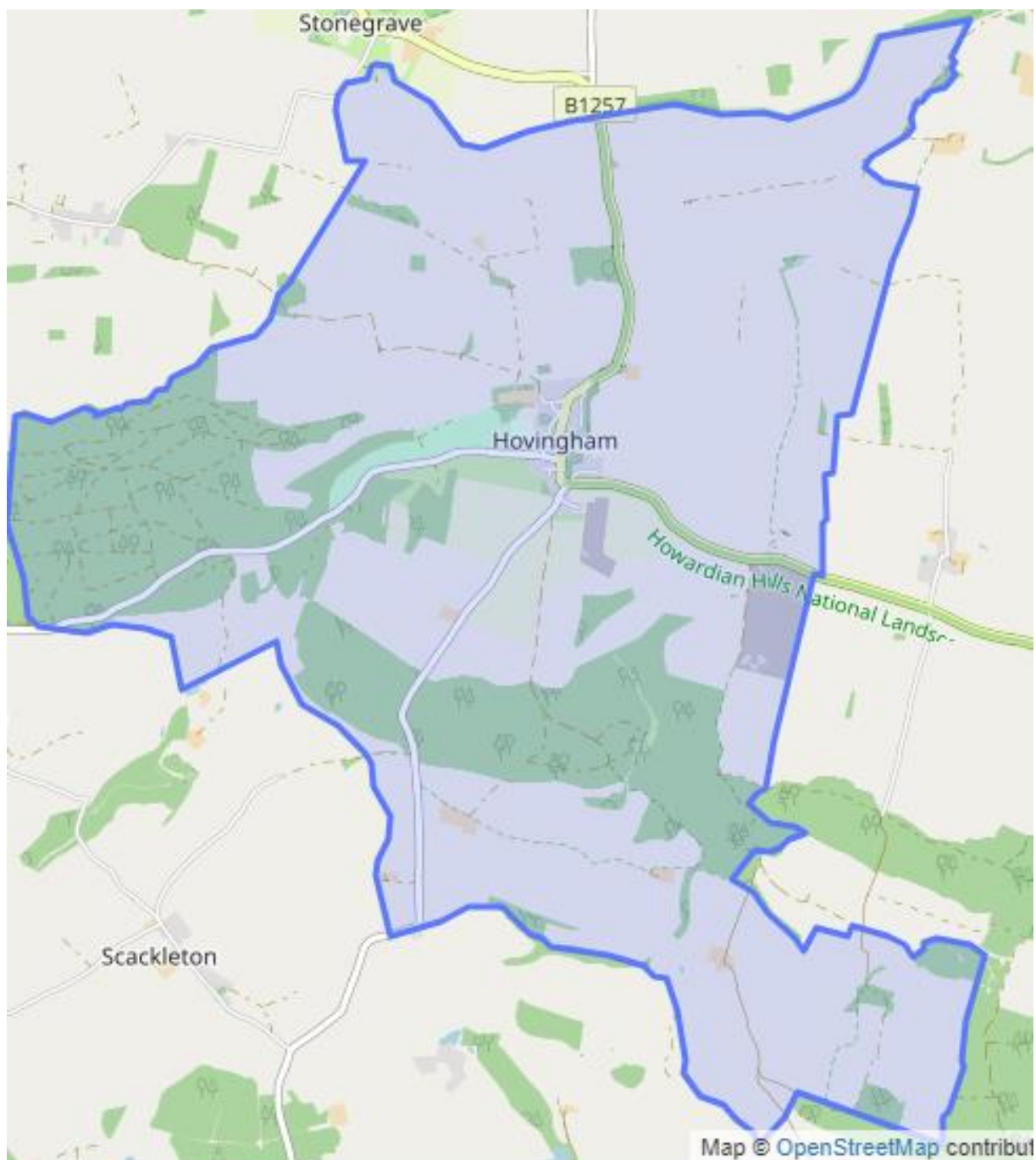
These provide some limited employment although most adult residents are either retired, working from home or travel to work outside the Parish.

In 2009, and again in 2018, the community undertook a Community Survey, which due to the efforts of the volunteers resulted in a creditable 84% response rate from residents. We are therefore well informed about resident concerns and aspirations. Hovingham Action Group and Parish Council have formed volunteer groups to progress the items of interest and concern.

**Statement as to why the area within the Parish Boundary is right to be designated as a Neighbourhood Area.**

The Neighbourhood Plan area is that contained within the Parish Boundary, shown in blue on the map, below. The decision to proceed with a Neighbourhood Plan was made by a vote at a meeting, open to all residents of the Parish held Wednesday January 17<sup>th</sup> 2024. This was unanimously supported by a vote of the Parish Council held at their meeting on the same date.

The Plan will apply to the whole Parish, as this allows all the residents of the Parish to be involved and consulted rather than just those living within the village.



**It is our intention in producing a Neighbourhood Plan that:**

- It will be based upon the views, aspirations and priorities of the local Parish community.
- It will inform, guide and promote balanced and sustainable development on a scale, design and aesthetic appropriate to the village and surrounding landscape.
- It will aim to preserve and protect the historic character of the village and the physical and natural heritage of the Parish, whilst permitting limited sustainable development in keeping with the historic character and design of the village and surrounding area.
- It will encourage affordable homes and local occupancy, discouraging housing becoming second homes or holiday lets.
- It will encourage retail and business premises within similar scale, design and aesthetics.
- It will seek to impose on those undertaking any development to meet their obligations, including any necessary improvements in infrastructure and facilities, directly or otherwise.

**Statement that the body making the application is a qualifying body.**

In accordance with Section 61G of the Town & Country Planning Act 1990 it is confirmed that the body making this application is Hovingham with Scackleton Parish Council established in pursuance of the Local Government Act 1972 and is therefore a relevant body.

Application made by Hovingham with Scackleton Parish Council

11<sup>th</sup> March 2024



## Appendix B - Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

<b>Title of proposal</b>	<b>Hovingham Neighbourhood Plan Area Designation</b>
<b>Brief description of proposal</b>	To approve the designation of the whole of Hovingham Parish as a Neighbourhood Area. To enable the next stages of the development of Hovingham Neighbourhood Plan.
<b>Directorate</b>	<b>Community Development</b>
<b>Service area</b>	<b>Planning Policy and Place</b>
<b>Lead officer</b>	<b>Lizzie Phippard/Rachael Balmer</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Planning policy Officer/Planning Policy Manager</b>


The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

<b>Environmental factor to consider</b>	<b>For the council</b>	<b>For the county</b>	<b>Overall</b>
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

<b>Decision (Please tick one option)</b>	Full CCIA not relevant or proportionate:	YES	Continue to full CCIA:	No
<b>Reason for decision</b>	<p>At this stage there are no detailed policies to review or any adverse impacts. This is an initial designation stage, which approves the area to be included within the Neighbourhood Plan. Once approved, this allows the Parish to then progress the creation of a Neighbourhood Plan.</p> <p>Once the area is designated, the parish will then carry out community engagement and an evidence base to enable them to put together policies and any land allocations etc associated with their emerging plan. This however is an initial stage which enables them to then progress.</p>			
<b>Signed (Assistant Director or equivalent)</b>				
<b>Date</b>	06/06/2024			

**Appendix C - Initial equality impact assessment screening form**

This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.

<b>Directorate</b>	Community Development
<b>Service area</b>	Planning Policy and Place
<b>Proposal being screened</b>	Hovingham Neighbourhood Plan Area Designation
<b>Officer(s) carrying out screening</b>	Lizzie Phippard
<b>What are you proposing to do?</b>	To approve the designation of the whole of Hovingham Parish as a Neighbourhood Area.
<b>Why are you proposing this? What are the desired outcomes?</b>	To enable the next stages of the development of Hovingham Neighbourhood Plan.
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	No


**Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics**

As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the proposal relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the proposal relates to?

**If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.**

Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (for example, disabled people's access to public transport)? Please give details.	At this stage there are no detailed policies to review or any adverse impacts. This is an initial designation stage, which approves the area to be included within the Neighbourhood Plan. This allows the Parish to progress the creation of a neighbourhood plan.		
<b>Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people</b>	No, this process enables the Parish council to progress the preparation of a neighbourhood plan. Once the area is designated, the parish will then carry out community engagement and an evidence base to enable them to put together policies and any land allocations etc associated		

with protected characteristics? Please explain why you have reached this conclusion.	with their emerging plan. This however is an initial stage which enables them to then progress.			
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	✓	Continue to full EIA:	
<b>Reason for decision</b>	Not required.			
<b>Signed (Assistant Director or equivalent)</b>				
<b>Date</b>	06/06/2024			