

# The Ilminster Neighbourhood Plan 2020 2036

## Appendix B Basic Conditions Statement



Appendix B Basic Conditions Statement  
Rev003 230103



# Contents

## Chapters

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	Introduction	4
<b>B1</b>	Compliance with the National Planning Policy Framework, February 2019 (NPPF)	8
<b>B2</b>	The Ilminster Neighbourhood Plan's (INP's) contribution to sustainable development and conformity with National Planning Policy	18
<b>B3</b>	Conformity with the strategic policies of the development plan	22
<b>B4</b>	Other EU Obligations, as incorporated into UK law	36
<b>B5</b>	Summary of the findings of this report	40

## List of Tables

---

<b>Table 1</b>	Compliance with the National Planning Policy Framework, February 2019 (NPPF)	12
<b>Table 2</b>	The INP's contribution to sustainable development and conformity with National Planning Policy	20
<b>Table 3</b>	Conformity with the strategic policies of the development plan	28

# Introduction

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## 1.1 Introduction

**1.1.1** This statement has been prepared by ECA Architecture & Planning to support the submission of the Ilminster Neighbourhood Plan (INP).

## 1.2 Purpose

**1.2.1** This Basic Conditions Statement has been prepared in accordance with Regulation 15(1) of the Neighbourhood Planning (General) Regulations 2012 which states that, when a plan proposal is submitted to the Local Planning Authority (LPA), it must include a statement explaining how the proposed Neighbourhood Plan meets the requirements of Paragraph 8, of Schedule 4B to the Town & Country Planning Act 1990. Paragraph 8 (2) states: A draft order meets the basic conditions if:

- a.** Having regard to national policies and advice contained in guidance issued by the secretary of state, it is appropriate to make the order
- b.** Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order
- c.** Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
- d.** The making of the order contributes to the achievement of sustainable development
- e.** The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
- f.** The making of the order does not breach, and is otherwise compatible with, EU obligations
- g.** Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

## **1.2 Purpose (continued)**

**1.2.2** This Statement demonstrates how the INP has met the Basic Condition tests by assessing each policy against the criteria in the Regulations, providing justification and concluding the outcome of the assessment. It comprises five sections, as follows:

- a.** Section 1: Sets out how the INP complies with the National Planning Policy Framework (2019) (NPPF) by outlining how particular paragraphs have been taken into consideration in the drafting of policies
- b.** Section 2: Sets out the INP's contribution to sustainable development
- c.** Section 3: Sets out how the INP conforms with the strategic policies of the development plan
- d.** Section 4: Sets out how the plan addresses other EU obligations
- e.** Section 5: Is a summary of the findings of this report.

**1.2.3** We are also required to meet Regulation 22 (e) of the Neighbourhood Planning (General) Regulations 2012 (as amended). This states:

**1.2.4** 'Where a qualifying body submits an order proposal to the local planning authority it must include - ...(e) A statement explaining how the proposed neighbourhood development order or a community right to build order meets the basic conditions in Paragraph 8 (2) of Schedule 4B to the 1990 Act; ....'

**1.2.5** This Appendix seeks to address Part (e).



# BI

## Section One



## 2.1 Compliance with the National Planning Policy Framework, February 2021 (NPPF)

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**2.1.1** Each of the relevant paragraphs taken from the NPPF has been summarised below for reference. Following this, each relevant NPPF paragraph has been assessed against each INP policy in Table 1.

### 2.1.2 Paragraph 8

Achieving sustainable development means that the planning system has three overarching objectives, namely:

- a. An economic objective to help build a strong, responsive and competitive economy
- b. A social objective to support strong, vibrant and healthy communities to meet the needs of the present and future generations
- c. An environmental objective by protecting and enhancing our natural, built and historic environment and adapting to climate change.

### 2.1.3 Paragraph 13

Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

### 2.1.4 Paragraph 18

Policies to address non-strategic matters should be included in neighbourhood plans.

### 2.1.5 Paragraph 20

This requires strategic policies to set an overall strategy for the pattern, scale and quality of development in terms of housing, employment, retail, leisure, infrastructure provision, community facilities, conservation and enhancement of the built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

### 2.1.6 Paragraph 28

Non-strategic policies should be used by communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

### 2.1.7 Paragraph 29

Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (Neighbourhood Plans must be in general conformity with the strategic policies contained in any development plan that covers their area).

### 2.1.8 Paragraph 32

Neighbourhood Plans may require a Strategic Environmental Assessment, but only where there are potentially significant environmental effects.

### 2.1.9 Paragraph 37

Neighbourhood Plans must meet certain 'basic conditions' and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

### 2.1.10 Paragraph 65

LPAs should set housing requirement figures for designated neighbourhood areas.

**2.1.11 Paragraph 69**

Neighbourhood Planning groups should consider the opportunities for allocating small and medium-sized sites (under one hectare) suitable for housing in the area.

**2.1.12 Paragraph 83**

Planning policies should enable sustainable tourism and leisure developments which respect the character of the countryside and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

**2.1.13 Paragraph 85**

Planning policies should take a positive approach to the growth of the town centre by enhancing existing markets and allocating sites and areas for shopping.

**2.1.14 Paragraph 91**

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction through street layouts for pedestrians and cyclists, are safe and promote healthy lifestyles.

**2.1.15 Paragraph 96**

Requires local authorities to undertake detailed assessments of needs and audits of existing facilities, to identify deficiencies in facilities and opportunities for new facilities.

**2.1.16 Paragraph 99**

The designation of land as Local Green Space through Local and Neighbourhood Plans allows communities to identify and protect green areas of particular importance to them.

**2.1.17 Paragraphs 102-107**

The NPPF confirms that transport issues should be considered from the earliest stage of the plan making process and there is a need to assess the potential impact of development on transport networks and the environmental impact of traffic. It states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to high quality places. The guidance states that planning policies should provide for high quality walking and cycling networks and support facilities such as cycle parking.

**2.1.18 Paragraph 124**

This states that creating high quality buildings and achieving good design is fundamental.

**2.1.19 Paragraph 125**

Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations and are grounded in an understanding and evaluation of each area's defining

characteristics. Neighbourhood Plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

**2.1.20 Paragraph 127**

Planning policies should ensure that developments function well, are visually attractive, sympathetic to local character, history, environment and landscape settings, maintain a sense of place and optimise potential.

**2.1.21 Paragraph 148**

Supports the transition to a low carbon future, tackling climate change taking full account of flooding. Development should contribute to reducing greenhouse gas emissions, minimise vulnerability and improve resilience, encouraging reuse of existing resources.

**2.1.22 Paragraph 152**

Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in Local Plans or other strategic policies that are being taken forward through neighbourhood planning.

**2.1.23 Paragraph 170**

Planning policies should protect and enhance valued landscapes, biodiversity or geological value. They should recognise the character and beauty of the countryside and minimise

risk to biodiversity with established ecological networks.

**2.1.24 Paragraph 175**

Development resulting in the loss or deterioration of irreplaceable habitats, species and woodland should be refused.

**2.1.25 Paragraph 184**

This confirmed that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

**2.1.26 Paragraph 185**

A positive strategy should be implemented for the enjoyment of the historic environment and heritage assets by sustaining and enhancing their significance, assessing the benefits that they bring socially, culturally, economically and environmentally, the desirability of the positive contribution that they make and opportunities that they bring to the character of a place.

## Compliance with the National Planning Policy Framework, February 2021 (NPPF)

Table 1 - Compliance with the National Planning Policy Framework, February 2021 (NPPF)		
Neighbourhood Plan Section/Policy	Relevant NPPF Paragraph	Summary/Conclusion – how the INP has had regard to the NPPF
Whole Plan	8: Achieving sustainable development 13: Support delivery of local plan 18: INP should address strategic matters 28: Detailed non-strategic matters 29: Vision and shape sustainable development 32 Strategic Environmental Assessment 37: Meet basic conditions 96: Deficiencies in facilities	The INP comprises policies that have been drafted to reflect the local community’s vision for the area. They are local policies of specific relevance to the INP area, whilst supporting the implementation of the South Somerset Local Plan. The policies provide a practical framework in which to assess planning applications. This has been an empowering creative exercise that will improve the local environment, economy, social cohesion and the overall way people live their lives in the INP area. This is achieved through detailed policies addressing specific deficiencies and needs relevant to this plan area. Overall the INP is consistent with these NPPF paragraphs and guidance for these reasons.
Vision	29: Vision for the future 96: Deficiencies in facilities	A clear vision is set out in the plan which has been subject to extensive consultation. This is a sustainable plan supporting good design, sustainable environment and growth, whilst respecting the physical and social heritage of Ilminster. It will make the area a more attractive place to live, work and visit by addressing local deficiencies. It is in compliance with the relevant NPPF principles.

<b>Table 1 - Compliance with the National Planning Policy Framework, February 2021 (NPPF)</b>		
<b>Neighbourhood Plan Section/Policy</b>	<b>Relevant NPPF Paragraph</b>	<b>Summary/Conclusion – how the INP has had regard to the NPPF</b>
<b>Policy ILM1</b> Conserve And enhance Ilminster’s landscape setting	8: Achieving sustainable development 20: Quality of development and enhancements 28: Detailed non-strategic matters 91: Healthy and safe places 99: Designation of green space 125: Design visions 127: Development requirements 170: Protect environment	The INP seeks to ensure that the landscape surrounding Ilminster is protected for current and future generations. It seeks to ensure that public viewpoints are maintained for the enjoyment of residents and visitors, particularly from the hilltops and of the heritage assets making the INP area an attractive place to live and visit. It further seeks to enhance these viewpoints and create new views, thereby adding to the sense of place in the INP area and further encourage walking and recreation around the town. This is a specific issue local to Ilminster and seeks to ensure that the INP area benefits socially and environmentally from the INP, in accordance with the NPPF.
<b>Policy ILM2</b> Conserve and enhance Ilminster’s ecology, species and habitats	8: Achieving sustainable development 20: Quality of development and enhancements 127: Development requirements 148: Tackling climate change 170: Protect environment 175: Habitats, species and woodland	The INP seeks to ensure that the ecology, biodiversity and trees within Ilminster are protected for current and future generations and in order to mitigate against climate change and flooding. It seeks to ensure that proposals are sympathetic to the environment and habitats of species, to safeguard and enhance biodiversity in line with the NPPF requirements.

**Compliance with the National Planning Policy Framework, February 2021 (NPPF) (continued)**

<b>Table 1 - Compliance with the National Planning Policy Framework, February 2021 (NPPF)</b>		
<b>Neighbourhood Plan Section/Policy</b>	<b>Relevant NPPF Paragraph</b>	<b>Summary/Conclusion – how the INP has had regard to the NPPF</b>
<b>Policy ILM3</b> Enhance and connect our green open spaces with a Green Chain	8: Achieving sustainable development 20: Quality of development and enhancements 91: Healthy and safe places 96: Deficiencies in facilities 99: Designation of green space 125: Design visions 127: Development requirements 148: Tackling climate change 170: Protect environment 175: Habitats, species and woodland	Green infrastructure networks are proposed to be enhanced and protected in order to deliver a wide range of quality of life benefits for local communities. This supports the enhancements and healthy places paragraphs found within the NPPF. The proposal further seeks to tackle climate change and promote biodiversity, which are also paragraphs in the NPPF that support the ‘golden thread’ of safeguarding the environment and supporting social sustainability, that makes up two of the three elements of sustainable development.
<b>Policy ILM4</b> Promote recreation facilities for our growing community	8: Achieving sustainable development 20: Quality of development and enhancements 65: Housing requirements 69: Allocating small sites 148: Tackling climate change	The INP includes a character assessment and design guide, which relates specifically to Ilminster, rather than South Somerset as a whole. This has been done to empower the local community and to shape, enhance and improve the town in a manner which reflects the character of the INP area, consistent with the relevant NPPF policies.
<b>Policy ILM5</b> The Ilminster Environmental Enterprise Zone	8: Achieving sustainable development 13: Support delivery of local plan 20: Quality of development and enhancements 28: Detailed non-strategic matters 96: Deficiencies in facilities	This policy outlines the strategic allocation of an employment zone for Ilminster for traditional and less traditional industries, such as high quality business hubs. It also addresses the design implications and impacts that a development for employment may have on the setting and entrance to the town. It addresses the lack of employment in Ilminster for certain demographics in line with the listed NPPF paragraphs.

Table 1 - Compliance with the National Planning Policy Framework, February 2021 (NPPF)		
Neighbourhood Plan Section/Policy	Relevant NPPF Paragraph	Summary/Conclusion – how the INP has had regard to the NPPF
<b>Policy ILM6</b> Enhance Ilminster's economy, tourism and heritage	8: Achieving sustainable development 20: Quality of development and enhancements 28: Detailed non-strategic matters 83: Tourism, community and leisure facilities 85: Vitality of town centres 125: Design visions 127: Development requirements	The vitality and sense of place unique to Ilminster's historic market and shopping area is sought to be enhanced and amplified, to encourage tourism and promote the economy, in accordance with Paragraph 83 of the NPPF.
<b>Policy ILM7</b> Promote high quality design	8: Achieving sustainable development 20: Quality of development and enhancements 124: Quality design 125: Design visions 127: Development requirements 148: Tackling climate change 184: Heritage assets 185: Enhancing and contribution of heritage assets	In this policy, the INP seeks to enhance the historic environment and recognise the contribution that the historic environment brings to the identity of Ilminster, as recommended in the NPPF. It comprises a robust and comprehensive policy, that confirms high quality development will be expected for the area, in line with NPPF requirements.
<b>Policy ILM8</b> Encourage shoppers and visitors into Ilminster's Centre	8: Achieving sustainable development 20: Quality of development and enhancements 85: Vitality of town centres 96 : Deficiencies in facilities 102-107: Transport network 125: Design visions 127: Development requirements	This policy seeks to improve the quality of the public realm and access through cycle routes and transport management in the INP area. This policy addresses design visions for the plan area and deficiencies in facilities as outlined in the listed paragraphs of the NPPF.

**Compliance with the National Planning Policy Framework, February 2021 (NPPF) (continued)**

<b>Table 1 - Compliance with the National Planning Policy Framework, February 2021 (NPPF)</b>		
<b>Neighbourhood Plan Section/Policy</b>	<b>Relevant NPPF Paragraph</b>	<b>Summary/Conclusion – how the INP has had regard to the NPPF</b>
<p><b>Policy ILM9</b> Safe, interesting walking and cycling route</p>	<p>8: Achieving sustainable development 91: Healthy and safe places 96 : Deficiencies in facilities 102-107: Transport network 125: Design visions 127: Development requirements 148: Tackling climate change</p>	<p>This policy seeks to encourage cycle and walking routes in the INP area. This policy addresses deficiencies in facilities, as well as seeking to tackle climate change through low carbon transport options, thereby reducing the reliance on the car, as outlined in the listed paragraphs of the NPPF.</p>
<p><b>Policy ILM10</b> Welcome people to Ilminster</p>	<p>8: Achieving sustainable development 83: Tourism, community and leisure facilities 85: Vitality of town centres 125: Design visions 127: Development requirements</p>	<p>Public realm improvements are sought through this policy in order to improve the sense of place and impression that the town brings to visitors. Enticing people to stay in the town and enjoy its amenities, thereby boosting the economic sustainability of the town centre in line with the NPPF.</p>
<p><b>Policy ILM11</b> The layout and appearance of the historic market town centre</p>	<p>8: Achieving sustainable development 20: Quality of development and enhancements 28: Detailed non-strategic matters 85: Vitality of town centres 125: Design visions 127: Development requirements</p>	<p>Public realm improvements are sought within the historic core, in order to improve the sense of place. Enticing people to stay in the town will improve its economic sustainability, in line with NPPF paragraphs. Access and parking improvements are also sought, to improve the design quality and setting of the historic core and shopping area.</p>



<b>Table 1 - Compliance with the National Planning Policy Framework, February 2021 (NPPF)</b>		
<b>Neighbourhood Plan Section/Policy</b>	<b>Relevant NPPF Paragraph</b>	<b>Summary/Conclusion – how the INP has had regard to the NPPF</b>
<b>Policy ILM12</b> Amount and location of our new homes	8: Achieving sustainable development 13: Support delivery of local plan 18: INP should address strategic matters 20: Quality of development and enhancements 28: Detailed non-strategic matters 65: Housing requirements 148: Tackling climate change	This INP has identified locations for the proposed housing allocation set by South Somerset Council in their emerging Local Plan. This has been done to empower the local community to shape, enhance and improve their town in a manner that is sympathetic to its heritage and landscaping constraints, which are a particular concern in the INP area, this is consistent with the relevant NPPF policies.
<b>Policy ILM13</b> Types of new homes	8: Achieving sustainable development 13: Support delivery of local plan 20: Quality of development and enhancements 65: Housing requirements 69: Allocating small sites	This INP has identified the housing types required specifically for Ilminster as opposed to South Somerset as a whole. This has been done to empower the local community to shape, enhance and improve their town, in manner that meets the needs specific to the INP area, consistent with the relevant NPPF policies.
<b>Policy ILM14</b> Allocated or small brownfield sites	8: Achieving sustainable development 20: Quality of development and enhancements 65: Housing requirements 69: Allocating small sites 148: Tackling climate change	The INP includes a character assessment and design guide, which relates specifically to Ilminster, rather than South Somerset as a whole. This has been done to empower the local community and to shape, enhance and improve the town, in a manner which reflects the character of the INP area, consistent with the relevant NPPF policies.
<b>Policy ILM15</b> Design and layout of strategic sites	8: Achieving sustainable development 20: Quality of development and enhancements 28: Detailed non-strategic matters 102-107: Transport network 125: Design visions 127: Development requirements 148: Tackling climate change	The design visions and sustainability aspirations of the INP area have been identified to shape, enhance and improve the INP area. Specific issues relating to flooding, reducing reliance on fossil fuels, cycling routes, biodiversity and parking seek to contribute to tackling climate change. This policy, which relates to design and landscaping, seeks to address these issues in the NPPF which it is consistent with.

**B2**

# **Section Two**

## 3.1 The Neighbourhood plan's contribution to sustainable development and conformity with National Planning Policy

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**3.1.1** Paragraph 8 (2) (d) of the Town & Country Planning Act 1990 states as follows:

**3.1.2** “The making of the Neighbourhood Plan contributes to the achievement of sustainable development”

**3.1.3** The government is clear that the purpose of the planning system is to contribute to sustainable development by addressing social sustainability to build stronger communities, environmental sustainability to protect against inappropriate development and economic sustainability to improve infrastructure and support growth.

**3.1.4** Sustainability Appraisals are not a requirement of a Neighbourhood Plan. However, the INP can demonstrate that it has taken into account the need to achieve sustainable development to deliver economic, social and environmental benefits in line with

the overarching aims of the NPPF to achieve sustainable development.

























**3.1.5** “...the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs” (NPPF, Paragraph 7).

**3.1.6** Table 3 summarises the INP's contribution to the three main elements of economic, social and environmental sustainable development, based on the three overarching objectives in Paragraph 8 of the NPPF. The scoring is based on a traffic light system of green, amber and red, representing the strength of that contribution within each policy.

The INP’s contribution to sustainable development and conformity with National Planning Policy

Table 2 - The INP’s contribution to sustainable development and conformity with National Planning Policy				
INP Policy	Social	Economic	Environmental	Contribution to Sustainable Development
Whole plan	●	●	●	The INP seeks to reflect the local community’s vision for the area. It will improve the local environment, economy and social cohesion, as well as the overall way people live their lives in the INP area.
Vision	●	●	●	A sustainable vision that supports good design, a sustainable environment and economic growth, whilst respecting the physical and social heritage of Ilminster, making it a more attractive place to live, work and visit.
ILM1	●	●	●	This policy seeks to ensure that the landscape, surrounding Ilminster, is protected for current and future generations adding to the sense of place, identity, views and recreation around the town.
ILM2	●	●	●	The policy seeks to ensure that the ecology, biodiversity and trees within Ilminster are protected for current and future generations and in order to mitigate against climate change and flooding.
ILM3	●	●	●	Green infrastructure networks are proposed to be enhanced and protected where possible in this policy, in order to deliver a wide range of quality of life benefits for local communities.
ILM4	●	●	●	This policy seeks to improve quality of life for residents and promotes healthy lifestyles, whilst tackling climate change by reducing the need to travel in line with NPPF paragraphs.
ILM5	●	●	●	This policy seeks to address the lack of employment in Ilminster for certain demographics, with design suggestions for the exterior in line with the NPPF paragraphs.
ILM6	●	●	●	The vitality and sense of place unique to Ilminster’s historic market and shopping area is sought to be enhanced and amplified, to encourage tourism and promote the economy through design.
ILM7	●	●	●	This policy seeks to enhance and recognise the contribution that the historic environment brings to the identity of Ilminster, encouraging high quality development.

**Table 2 - The INP's contribution to sustainable development and conformity with National Planning Policy**

INP Policy	Social	Economic	Environmental	Contribution to Sustainable Development
ILM8				The quality of the public realm, access through cycle routes and transport management seeks to encourage shoppers to Ilminster.
ILM9				Cycling and walking routes seek to tackle climate change through low carbon transport options, thereby reducing the reliance on the car.
ILM10				Public realm improvements seek to enhance the sense of place and entice visitors and people to stay in the town, thereby boosting the economic sustainability of the town centre.
ILM11				Public realm improvements, parking and design quality are sought within the historic core in order to improve the sense of place and entice people to stay in the town and enjoy the offerings.
ILM12				Identifying locations for the proposed housing allocation has empowered the local community to shape, enhance and improve their town in manner that is sympathetic to it's heritage and landscaping. Providing more housing will boost the economy.
ILM13				The housing types required for Ilminster have been identified to meet the needs specific to the INP area, in order to ensure social diversity.
ILM14				The design characteristics of the INP area have been identified in this policy to shape, enhance and improve the town in a manner that reflects the character of the INP area, improving a sense of place.
ILM15				The design visions and sustainability aspirations relating to flooding, reducing reliance on fossil fuels, cycling routes, diversity, landscaping, utilities and parking seek to contribute to tackling climate change.

# B3

## Section Three

## 4.1 Conformity with the strategic policies of the development plan

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**4.1.1** Paragraph 8 (2) (e) of the Town & Country Planning Act 1990 states the following:

**4.1.2** ‘The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)’

**4.1.3** The relevant strategic policies against which the neighbourhood plan policies have been identified are as follows:

### **4.1.4 South Somerset Local Plan (2006–2028) – Adopted Policies**

SD1 Sustainable Development – Presumption in favour of sustainable development.

### **4.1.5 SS1**

Settlement Strategy – Ilminster is a designated ‘Primary Market Town’ – a strong employment, retail and community role where provision will be made for housing, employment, shopping and other services, that increase self-containment and enhance its role as a service centre.

### **4.1.6 SS3**

Delivering New Employment Land – delivering new employment land – encourages the provision for 419 additional jobs, but does not allocate any ‘Additional Employment Land’ over the previous local plan allocation of 23.05 hectares.

### **4.1.7 SS4**

District Wide Housing Provision – states that provision will be made for at least 15,950 dwellings between 2006– 2026 across the District.

### **4.1.8 SS5**

Delivering New Housing Growth – seeks to secure provision of infrastructure to enable developments to proceed. Specific mention

is given to the provision of renewable and low carbon energy, enhanced open space, sports facilities and play areas, biodiversity and green infrastructure.

### **4.1.9 Paragraph 7.70**

Confirms that the immediate landscape setting of Ilminster is defined by three hills at Beacon Hill, Herne Hill and Pretwood Hill.

### **4.1.10 SS6**

Infrastructure Delivery – Sites will be expected to deliver infrastructure through CIL contributions, affordable housing, renewable and low carbon energy, open space, sports facilities and play areas, improved accessibility by sustainable transport modes, improved biodiversity and green infrastructure, road and highway improvements, community facilities and education provision.

### **4.1.11 SS7**

Phasing of Previously Developed Land – Development on previously developed land (brownfield sites) will be encouraged.

### **4.1.12 PMT3**

Ilminster Direction of Growth – Ilminster Direction of Growth: growth will be to the south west of the town.

### **4.1.13 EP1**

Strategic Employment Sites – Strategic Employment Sites – Land off Station Road, Ilminster (saved under Local Plan Allocation ME/ILMI/4) allocates three sites for 18.75 ha of employment land.

### **4.1.14 EP3**

Safeguarding Employment Land – maintaining existing employment facilities and land.

### **4.1.15 EP8**

New and enhanced tourist facilities.

### **4.1.16 EP9**

Retail Hierarchy – Development in retail centres of a scale commensurate with the area to which they relate.

### **4.1.17 EP11**

Location of Main Town Centre Uses (The Sequential – Proposed town centre uses should be at a scale which relates to the size and function of the centre.

### **4.1.18 EP13**

Protection of Retail Frontages – Primary retail frontage has been designed in Ilminster which controls the number and distribution of non A1 retail floorspace.

### **4.1.19 EP15**

Protection and Provision of Local Shops, Community Facilities and Services – Community facilities including local shops, post office and pubs are protected.

### **4.1.20 HG2**

The Use of Previously Developed Land (PDL) for New Housing Development.

### **4.1.21 HG3**

Provision of Affordable Housing – 35% affordable housing target on all developments of 6 dwellings or more or over 0.2 ha in size; 5% on developments of 1-5 dwellings to make commuted sums.

### **4.1.22 HG5**

Achieving a Mix of Market Housing – A range of market types and sizes should be provided and

should contribute to sustainable and balanced communities.

### **4.1.23 TA1**

Low Carbon Travel – Relates to Low Carbon Travel and requires all new residential developments and employment developments to provide a number of facilities including charging for electric vehicles, cycles storage and enable home working. All new developments must maximise the potential for sustainable transport.

### **4.1.24 TA5**

Transport Impact of New Development – Ensures safeguarding of transport infrastructure and network, safe and convenient access on foot, cycle and public transport, ensuring volume of traffic generated would not be detrimental, developments requiring access to a road networks are suitably located, transport assessments for larger schemes.

### **4.1.25 TA6**

Parking standards – Seeks to ensure that parking standards are met.

### **4.1.26 HW1**

Provision of open space, outdoor playing space, sports, cultural and community facilities in new developments – Requires the provision of open space, outdoor playing space, sports, cultural and community facilities in new housing developments either on-site or through financial contributions.



**4.1.27 HW3**

Protection of play spaces and youth provision.

**4.1.28 EQ1**

Addressing climate change in South Somerset – Supports proposals, which demonstrate how climate change mitigation and adaptation will be delivered through the inclusion of a number of measures, include flood mitigation.

**4.1.29 EQ2**

General development – Seeks to ensure high quality development with sustainable construction techniques, quality places, landscape character of the area, local distinctiveness that respects local context, creating safe environments addressing crime prevention and community safety, making efficient use of land, housing demand and need, infrastructure and service availability, accessibility and site specific considerations.

**4.1.30 EQ3**

Historic Environment – Heritage assets to be conserved and, where appropriate, enhanced.

**4.1.31 EQ4**

Biodiversity – Relates to Biodiversity and requires ALL proposals for development to protect biodiversity value, maximise opportunities for restoration and incorporate beneficial biodiversity conservation features.

**4.1.32 EQ5**

Green Infrastructure – Promotes the provision of Green Infrastructure

**4.1.31 EQ6**

Woodland and forests – Supports the implementation of the UK Forest Standard and resists the loss of woodland and is expanded where possible to provide buffers to core areas of woodland.

**4.1.32** In addition to the current adopted Local Plan South Somerset District Council is producing a new Local Plan. It has not been adopted and at this time no weight is being given to the policies within this document. However, reference to the emerging relevant policies is considered to be appropriate at this time, although it will not form part of the assessment.

**4.1.33 South Somerset Local Plan (2016–2036) – Preferred Options Consultation June 2019 – Emerging Policies**

At this time the emerging Local Plan is not being given any weight. However, for the purposes of this assessment the policies are included for reference, but will not form part of the assessment.

**4.1.34 Paragraph 2.37**

South Somerset has a mainly undulating, agricultural landscape.

**4.1.35 Paragraph 2.38**

The District is known for areas of high nature conservation value.

**4.1.36 Paragraph 2.38**

There are two National Nature Reserves at Harrington Moor and Barrington Hill near Ilminster.

### 4.1.37 Paragraph 13.13

Green infrastructure is defined as an essential part of the character and appearance of an area.

- a. Greater access to open space is beneficial to health and wellbeing
- b. Networks of green open space provide opportunities for recreation and buffers development from wildlife sites and watercourses. It can also deflect visitor pressures on important wildlife sites
- c. Attenuation ponds and other sustainable drainage systems are promoted.

### 4.1.38 Paragraph 13.19

Includes a list of specific items that Community Infrastructure Levy (CIL) will contribute towards. This includes the following facilities in Market Towns, which includes Ilminster, as follows: Swimming pool provision, sports hall improvements, 3G artificial grass pitch improvements, community hall improvements or provision, off-site open space and public realm.

### 4.1.39 Policy SS2

Seeks to deliver new housing growth across the District. It allocates 839 new homes for Ilminster between 2016–2036.

### 4.1.40 Policy IML

Allocates Canal Way for the following development: 400 dwellings on Canal Way, 28% affordable dwellings, a new primary school, childrens' play space and public open space (outline permission already granted).

### 4.1.41 Policy IM2

Allocates housing growth at Shudrick Lane for 220 dwellings, including 28% affordable, childrens' play space and public open space.

### 4.1.42 Policy IM3

Allocates housing growth at Station Road for around 100 dwellings, including 28% affordable, play space, open space and flood risk mitigation works.

### 4.1.43 Policy HW1

Relates to the provision of open space, outdoor playing space, sports, cultural and community facilities in new development.

### 4.1.44 Policy HW1 (vi)

Confirms that the following spaces are all aspects of Green Infrastructure – Green Corridors, Public Rights of Way, Civic Spaces, Cemeteries, Private Open Space, Designated Local Green Space and Community Allotments.

### 4.1.45 Policy HW2

Relates to Green Infrastructure and is a very robust and comprehensive policy which promotes the provision of Green Infrastructure by enhancing existing areas and providing new infrastructure in new development. A network of connected and multifunctional open spaces are required with development proposals.

### 4.1.46 Policy EQ1

Seeks to address climate change in South Somerset which requires development to demonstrate how climate change mitigation and

adaptation will be delivered through inclusion of a number of measures in development – this includes minimum carbon dioxide emissions, development of renewable energy generation, directing development away from medium and high risk flood risk areas, reduction and management of flood risk, developing sites with biodiversity interest.

#### **4.1.47 Policy EQ4**

Relates to Landscape and requires all development to take account of local distinctiveness, with an emphasis on conserving and enhancing landscape character and avoiding built forms whose profiles would be out of keeping when viewed from sensitive public vantage points.

#### **4.1.48 Policy EQ5**

Relates to Biodiversity and requires ALL proposals for development to protect biodiversity value, maximise opportunities for restoration and incorporate beneficial biodiversity conservation features.

#### **4.1.49 Paragraph 14.44**

States that the coverage of woodland in South Somerset is significantly below the County Average – 5% instead of 9%.

#### **4.1.50 Paragraph 14.47**

Sustainable tourism development opportunities presented by woodlands and forests should be promoted, as well as the economic benefits of forests and woods for wood fuel.

#### **4.1.51 Policy EQ7**

Supports the implementation of the UK Forest Standard and resists the loss of woodland and expanded where possible to provide buffers to core areas of woodland.

#### **4.1.52 Policy EQ8**

Relates to pollution control and confirms that development proposals should not exacerbate pollution.

#### **4.1.53 Supplementary Planning Documents**

- a. South Somerset’s Strategic Flood Risk Assessment (2019)
- b. Ilminster Peripheral Landscape Study (2007).

## Conformity with the strategic policies of the development plan

**Table 3 - Conformity with the strategic policies of the development plan**

INP Policy	Policy objectives	Relevant Strategic Policies of the Local Development Plan	How the INP conforms with the relevant Strategic Policies of the Local Development Plan
<p><b>Whole plan and vision</b></p>	<p>‘Our vision for Ilminster in 2036 is to be one of the most desirable market towns in which to live, learn, work and play, as well as to visit. We will create a stimulating, attractive, healthy, safe and sustainable environment through well-considered and balanced development that respects Ilminster’s unique heritage and rural location, embracing new ideas, technology and innovation for our habitat and community to thrive.’</p>	<p>SD1 Sustainable Development            SS1 Settlement Strategy            SS3 Delivering New Employment Land            SS5 Delivering New Housing Growth            SS6 Infrastructure Delivery            Para.7.70 Landscape setting of Ilminster            SS6 Infrastructure Delivery            EP1 Strategic Employment Sites            EP11 Location of Main Town Centre Uses            EP15 Protection and provision of local shops, community facilities and services            TA5 Transport Impact            EQ1 Addressing Climate Change            EQ2 General Development            EQ3 Historic Environment            EQ4 Biodiversity            EQ5 Green infrastructure</p>	<p>The INP comprises policies that have been drafted to reflect the local community’s vision for the area, whilst supporting the implementation of the South Somerset Local Plan. The policies provide a practical framework in which to assess planning applications.</p> <p>The vision seeks to promote the unique identity of the area and establish a sustainable community through the delivery of high quality design, homes the community needs, employment for residents, and to encourage future residents as well as protecting the main shopping area for residents and to encourage tourists.</p> <p>Respecting the landscape of Ilminster and the historic heritage of the Market Town is key to the policies, as well as encouraging sustainable transport modes and green infrastructure.</p> <p>This is consistent with the listed strategic policies in the local plan.</p>

Table 3 - Conformity with the strategic policies of the development plan

INP Policy	Policy objectives	Relevant Strategic Policies of the Local Development Plan	How the INP conforms with the relevant Strategic Policies of the Local Development Plan
<p><b>Policy ILM1</b> Conserve and enhance Ilminster's landscape setting</p>	<p>Aims are to preserve the views identified around Ilminster, to enhance views and those containing heritage assets, create new views and vistas, conserve and enhance local landscape character, and ensure all new development has a strategic landscape plan.</p>	<p>SS1 Settlement Strategy SS5 New Housing Growth SS6 Infrastructure Delivery Para.7.70 – Confirms that the immediate landscape setting of Ilminster is defined by three hills at Beacon Hill, Herne Hill and Pretwood Hill. EQ2 General Development EQ3 Historic Environment EQ4 Biodiversity EQ5 Green Infrastructure</p>	<p>Paragraph 7.70 of the adopted Local Plan, confirms that the immediate landscape setting of Ilminster is defined by three hills at Beacon Hill, Herne Hill and Pretwood Hill. Paragraph 13.34 states that the council values the character and diversity of the South Somerset Landscape and places particular emphasis upon the conservation of protected and designated landscapes. Ilminster's identity is particularly defined by its landscape and policy ILM1 seeks to ensure that it is protected or enhanced, in line with the local plan policies listed.</p>
<p><b>Policy ILM2</b> Conserve and enhance ilminster's ecology, species and habitats</p>	<p>Improvements to the ecological network with either financial contributions or on site additions to the green chain are sought within this policy. This is in the form of tree planting, habitats, biodiversity gain and buffer zones.</p>	<p>SD1 Sustainable Development SS5 Delivering New Housing Growth SS6 Infrastructure Delivery EQ1 Climate Change EQ4 Biodiversity EQ5 Green Infrastructure EQ6 Woodland and Forests</p>	<p>Policy ILM2 seeks to ensure that the ecology, biodiversity and trees within Ilminster are protected for current and future generations and in order to mitigate against climate change and flooding. It seeks to ensure that proposals are sympathetic to the environment and habitats of species to safeguard and enhance biodiversity, in line with the requirements in the adjacent policies.</p>
<p><b>Policy ILM3</b> Enhance and connect our green open spaces with a green chain</p>	<p>This policy seeks to preserve the green infrastructure network with recreational paths identified and encourage new connections. Where possible encouraging all age groups to use them and increasing biodiversity.</p>	<p>SD1 Sustainable Development SS6 Infrastructure Delivery SS5 Delivering New Housing Growth EQ4 Biodiversity EQ5 Green Infrastructure EQ6 Woodland and Forests</p>	<p>In Policy ILM3, green infrastructure networks are proposed to be enhanced and protected where possible, in order to deliver a wide range of quality of life benefits for local communities. This supports sustainable development in a socially and environmental way, in line with the adjacent policies.</p>

## Conformity with the strategic policies of the development plan

<b>Table 3 - Conformity with the strategic policies of the development plan</b>			
<b>INP Policy</b>	<b>Policy objectives</b>	<b>Relevant Strategic Policies of the Local Development Plan</b>	<b>How the INP conforms with the relevant Strategic Policies of the Local Development Plan</b>
<b>Policy ILM4</b> Promote recreation facilities for our growing community	Improvements to the health and wellbeing of residents are sought in this policy. The reduction and the need to travel by providing indoor sport recreation facilities in the town are further sought.	SD1 Sustainable Development SS5 New Housing Growth SS6 Infrastructure Delivery HW1 Provision of open space, outdoor playing space, sports, cultural and community facilities in new developments HW3 Protection of play spaces and youth provision EQ1 Climate Change EQ2 General Development	Policy ILM4 seeks to improve quality of life for residents by providing accessible recreational facilities for residents and making better use of the facilities on offer. This policy promotes healthy lifestyles, addresses deficiencies in facilities locally and tackles climate change, as per the policies listed.
<b>Policy ILM5</b> The Ilminster Environmental Enterprise Zone	Improvements to the cycling facilities and walking networks, provision of high quality business hubs, conservation of landscape character, provision of access to nature reserves and walking routes and a new leisure facility are all sought in this policy.	SD1 Sustainable Development SS1 Settlement Strategy SS3 New Employment Land SS5 New Housing Growth SS6 Infrastructure Delivery EP1 Strategic Employment Sites EP8 Tourist Facilities HW1 Provision of open space, outdoor playing space, sports, cultural and community facilities in new developments HW3 Protection of play spaces and youth provision TA1 Low Carbon Transport EQ1 Climate Change EQ2 General Development	ILM5 outlines the strategic allocation of an employment zone for Ilminster, but goes further than this and addresses the design implications and impacts, that a development for employment may have on the setting and entrance to the town. It addresses the lack of employment in Ilminster for certain demographics, in line with the adjacent listed policies with a specific emphasis on tourism and more sustainable business solutions.

**Table 3 - Conformity with the strategic policies of the development plan**

INP Policy	Policy objectives	Relevant Strategic Policies of the Local Development Plan	How the INP conforms with the relevant Strategic Policies of the Local Development Plan
<p><b>Policy ILM6</b> Enhance Ilminster's economy, tourism and heritage</p>	<p>Objectives of this policy are to encourage more shoppers to Ilminster by enhancing the heritage assets and facilities on offer. This can be achieved through an understanding of Ilminster as a unique historic environment, the sense of place, the attractiveness as a place to visit and live and the role of connecting the historic with the natural environment.</p>	<p>SD1 Sustainable Development SS1 Settlement Strategy SS6 Infrastructure Delivery EP3 Safeguarding Employment Land EP8 Tourist Facilities EP9 Retail Hierarchy EP11 Main Town Centre Uses EP13 Retail Frontages EP15 Protection and Provision of Local Shops, Community Facilities and Services EQ1 Climate Change EQ3 Historic Environment</p>	<p>In policy ILM6, the vitality and sense of place unique to Ilminster's historic market and shopping area is sought to be enhanced and amplified, to encourage tourism and promote the economy, in accordance with adjacent policies.</p>
<p><b>Policy ILM7</b> Promote high quality design</p>	<p>This policy seeks exemplary urban design, public spaces with accessible urban grain. Within these spaces high quality architecture and the sympathetic conversion of old buildings is encouraged. This is whilst connecting and allowing views of and from the historic environment and landscape.</p>	<p>SD1 Sustainable Development SS5 New Housing Growth EP13 Retail Frontages EP15 Protection and Provision of Local Shops, Community Facilities and Services EQ2 General Development EQ3 Historic Environment</p>	<p>Enhancing the contribution that the historic environment brings to the identity of Ilminster is outlined in policy ILM7. It confirms that high quality development will be expected for the area, in line with the adjacent policies of the Local Plan.</p>

## Conformity with the strategic policies of the development plan

<b>Table 3 - Conformity with the strategic policies of the development plan</b>			
<b>INP Policy</b>	<b>Policy objectives</b>	<b>Relevant Strategic Policies of the Local Development Plan</b>	<b>How the INP conforms with the relevant Strategic Policies of the Local Development Plan</b>
<b>Policy ILM8</b> Encourage shoppers and visitors into Ilminster's centre	Development proposals should contribute to a safe, high quality and cohesive public realm by welcoming pedestrians, cyclists and bus travel and managing cars in line with this policy.	SD1 Sustainable Development SS1 Settlement Strategy SS6 Infrastructure Delivery EP8 Tourist Facilities EP9 Retail Hierarchy EP11 Main Town Centre Uses EP13 Retail Frontages EP15 Protection and Provision of Local Shops, Community Facilities and Services EQ1 Climate Change EQ2 General Development EQ3 Historic Environment	Policy ILM8 seeks to improve the quality of the public realm and access through cycle routes and transport management in the INP plan area. This policy addresses design visions for the plan area and deficiencies in facilities, in line with the local plan policies.
<b>Policy ILM9</b> Safe, interesting walking and cycling routes	Site allocations should seek to improve cycle routes and walking routes to encourage sustainable movements within the NP area through this policy.	SD1 Sustainable Development SS6 Infrastructure Delivery TA1 Low Carbon Travel TA5 Transport Impact EQ1 Climate Change EQ2 General Development	Policy ILM9 seeks to encourage cycle and walking routes in the INP plan area. This policy addresses deficiencies in facilities, as well as seeking to tackle climate change through low carbon transport options, thereby reducing the reliance on the car, as outlined in the listed policies of the Local Plan.
<b>Policy ILM10</b> Welcome people to Ilminster	Improvements to the gateways of the Ilminster are sought at six key entrances to the NP area through this policy.	SD1 Sustainable Development SS1 Settlement Strategy SS6 Infrastructure Delivery EP8 Tourist Facilities EQ2 General Development	Public realm improvements are sought through Policy ILM10 in order to improve the sense of place and impression that the town brings to visitors. Enticing people to stay in the village and enjoy the offerings thereby boosting the economic sustainability of the town centre.



Table 3 - Conformity with the strategic policies of the development plan

INP Policy	Policy objectives	Relevant Strategic Policies of the Local Development Plan	How the INP conforms with the relevant Strategic Policies of the Local Development Plan
<p><b>Policy ILM11</b> The layout and appearance of the historic market town centre</p>	<p>High quality improvements and proposals supporting the market town status and heritage assets will be encouraged. Public realm improvements which promote safe travel through shared surfaces and appropriate access and parking arrangements are sought in this policy.</p>	<p>SD1 Sustainable Development SS1 Settlement Strategy SS6 Infrastructure Delivery EP8 Tourist facilities EP9 Retail Hierarchy EP13 Retail Frontages TA5 Transport Impact TA6 Parking standards HW1 Provision of open space, outdoor playing space, sports, cultural and community facilities EQ2 General development EQ3 Historic Environment</p>	<p>Public realm improvements are sought within the historic core in order to improve the sense of place, with policy ILM11. Enticing people to stay in the village and enjoy the offerings thereby boosting the economic sustainability of the town centre, in line with NPPF paragraphs. Access and parking improvements are also sought, to improve the design quality and setting of the historic core shopping area.</p>
<p><b>Policy ILM12</b> Amount and location of our new homes</p>	<p>This policy sets out the housing target for Ilminster. Locations have been suggested for the housing allocations within the NP area.</p>	<p>SD1 Sustainable Development SS1 Settlement Strategy SS4 District Wide Housing Provision SS5 Delivering New Housing Growth SS7 Phasing of Previously Developed Land PMT3 Ilminster Direction of Growth HG2 Previously Developed Land (PDL) for New Housing</p>	<p>Policy ILM12 has identified locations for the proposed housing allocation set by South Somerset Council. This has been done to empower the local community to shape, enhance and improve their town in manner that is sympathetic to it's heritage and landscaping constraints particularly of concern in the NP area, this consistent with the Local Plan.</p> <p>PMT3 direction of growth seeks to encourage development to the South West of the Town. The majority of development in policy ILM12 is to the South West on Canal Way however not all development. Policy PMT3 of the adopted local plan, does not preclude development in other locations and as such the policy ILM12 is considered to be in accordance with this policy.</p>

## Conformity with the strategic policies of the development plan

<b>Table 3 - Conformity with the strategic policies of the development plan</b>			
<b>INP Policy</b>	<b>Policy objectives</b>	<b>Relevant Strategic Policies of the Local Development Plan</b>	<b>How the INP conforms with the relevant Strategic Policies of the Local Development Plan</b>
<b>Policy ILM13</b> Types of new homes	New housing types are specified in this policy. Housing should be appropriate to the specific town needs, in accordance with this policy.	SD1 Sustainable Development HG3 Affordable Housing HG5 Mix of Market Housing	ILM13 has identified the housing types required specifically for Ilminster, as opposed to South Somerset as a whole. This has been done to empower the local community to shape, enhance and improve their town, in a manner that meets the needs specific to the INP area, this is consistent with the Local Plan.
<b>Policy ILM14</b> Allocated or small brownfield sites	This policy seeks to ensure that the design of any proposed infill developments are well thought out and respect the character of the local area to which they relate.	SD1 Sustainable Development SS1 Settlement Strategy SS7 Phasing of Previously Developed Land HG2 Previously Developed Land (PDL) for New Housing	The design characteristics of the INP area have been identified, as opposed to South Somerset as a whole. This has been done to empower the local community to shape, enhance and improve their town, in a manner that reflects the character of the INP area, this consistent with the Local Plan. Policy ILM14 will help deliver this.
<b>Policy ILM15</b> Design and layout of strategic sites	This policy gives specific design advice on Land South West of Canal Way and Station Road. It seeks a positive character, renewable energy provision, appropriate landscaping, SUDs systems, cycle and pedestrian routes and appropriate car parking.	SD1 Sustainable Development SS1 Settlement Strategy SS5 Delivering New Housing Growth SS6 Infrastructure Delivery EP15 Protection and Provision of Local Shops, Community Facilities and Services EQ2 General Development EQ3 Historic Environment	The design visions and sustainability aspirations of the INP area have been identified to shape, enhance and improve the INP area, in line with the visions of the INP. Specific issues relating to flooding, reducing reliance on fossil fuels, cycling routes, biodiversity and parking seek to contribute to tackling climate change. The design, landscaping and utilities seek to address other important issues, in the Local Plan and are consistent with it.



# B.4. Section Four

## 5.1 Other EU Obligations, as incorporated into UK law

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**5.1.1** Paragraph 8 (2) (f) of the Town and Country Planning Act 1990 states as follows:

**5.1.2** “The making of the Neighbourhood Plan does not breach and is otherwise compatible with EU obligations and is compatible with the Convention Rights as defined by the Human Rights Act 1998.” It should be noted that the EU obligations have now been incorporated into UK law and are contained in the Environmental Assessment of Plans and Programmes Regulations, 2004.

**5.1.3** The National Planning Policy Guidance (NPPG) document advises that a Neighbourhood Plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. The following directives are of particular relevance to neighbourhood planning:

- a. Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive). – For allocated sites
- b. Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive)
- c. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
- d. Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively)
- e. Waste Framework Directive (2008/98/EC)
- f. Air Quality Directive (2008/50/EC)
- g. Water Framework Directive (2000/60/EC).

**5.1.4** Each of these directives shall be addressed in turn.

### **5.1.5 Strategic Environmental Assessments**

SEA may be required under the EU regulations, as incorporated into UK law, depending upon the content of a Neighbourhood Plan and the potential for significant environmental effects. In relation to the SEA the National Planning Policy Guidance states:

**5.1.6** A neighbourhood plan may require a strategic environmental assessment if the draft Neighbourhood Plan falls within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004. This may be the case if it is likely to have a significant effect on the environment. This may be the case, for example, where a Neighbourhood Plan allocates sites for development.

**5.1.7** A qualifying body is strongly encouraged to consider the environmental implications of its proposals at an early stage and to seek the advice of the local planning authority on whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply. Neighbourhood Plans may also require assessment in relation to the Habitats Regulations 2017. A Neighbourhood Plan proposal must provide sufficient information to enable a competent authority to undertake an appropriate assessment or to screen it to determine whether an appropriate assessment is necessary. If an appropriate assessment is required then this will engage the need for a strategic environmental assessment. Under the above regulations and as a result of the plan allocating sites for development, a SEA is required and accompanies the Neighbourhood Plan.

### **5.1.8 Environmental Impact Assessment**

The Neighbourhood Planning (General) Regulations 2012 in PART 9 European Legislation Part 33 has regard to EIA. This is to ensure that decisions are made in full knowledge

environment and that the public are given early and effective opportunities to participate in the decision making procedures.

**5.1.9** EIA is not required as the proposal does not involve a Neighbourhood Development Order meaning that there is not development directly proposed.

### **5.1.10 Habitats Regulation Assessment**

The Neighbourhood Planning (General) Regulations 2012 in PART 9 European Legislation Part 32 has regard to Habitats Regulation Assessment (HRA) as incorporated into UK law. The making of the neighbourhood plan should not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which sets out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites. It is considered that none of the policies in the INP will significantly impact sites protected under this legislation.

### **5.1.11 Waste, air and water directives**

No proposed policies significantly impact these issues in the INP.

### **5.1.12 Human rights**

The Localism Act (2011) Schedule 9 Neighbourhood Planning Part 2 (6) Neighbourhood Plan requires that regard is given to Human Rights.

**5.1.13** The authority is not to be subject to the duty under subsection (4) (a) if it considers that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

**5.1.14** The Human Rights Act 1998 contains a number of articles which are potentially relevant to neighbourhood planning such as: The right to respect for private and family life, freedom of expression, prohibition of discrimination.

**5.1.15** All sections of the community should be given the opportunity to get involved in preparing the plan and express their views on it. All the non-statutory and statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The Development Group was constantly mindful of the need to engage all sections of the local community and applied different consultation techniques accordingly. These initiatives are documented in the accompanying Consultation Statement.

**5.1.16** The INP has been prepared to represent the views of the whole community. It is therefore believed that the INP has had appropriate regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

**5.1.17 Equalities**

The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a protected characteristic and those who do not. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**5.1.18** All written communications were in English and it was not considered necessary to translate them into any other language. The INP Development Group has tried to promote the widest possible engagement of the local community in planning for the future development of the INP area. In preparing the INP the Development Group has sought to engage widely with the all of the local community. It has gone beyond minimum consultation requirements to gather the views of the community.

**5.1.19** INP provides objectives and policies to respond to the vision for the benefit of the local community as a whole including those with protected characteristics. Most particularly older people, children and their parents, people with a disability and those with limited mobility would see an improvement as a result of the plan. The INP has followed a duty of care prescribed by the Equalities Act 2010.

# B5

## Section Five



## 6.1 Summary of the findings of this report

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**6.1.1** This is a sustainable plan, which promotes the sensitive renewal of Ilminster and greater access and improved connections for pedestrians and cyclists. This INP will assist South Somerset District Council in mitigating adverse impacts of development in this area, as set out in the South Somerset Local Plan. The INP Development Group has worked with South Somerset District Council to assess whether a Sustainability Appraisal for the INP would be required, on the grounds that this plan allocates new sites for development.

**6.1.2** A Neighbourhood Plan which meets central Government criteria can be put to a referendum. This report confirms that the INP meets these basic conditions, because:

- a.** It is in general conformity with Development Plan policies, as contained in the adopted South Somerset Local Plan and other supplementary planning documents
- b.** It seeks to preserve or enhance the character or appearance of the Conservation Areas, listed buildings and their setting falling within the INP area
- c.** It is in accordance with policies contained within the National Planning Policy Framework (NPPF) and also National Planning Policy Guidance (NPPG) and European Planning Guidance including Human Rights and Equalities Acts
- d.** It is based on a sound and robust evidence base
- e.** It reflects the needs of the business and residential communities in the INP area itself
- f.** It is a sustainable plan supporting new housing and services, including family housing, and protecting heritage assets. It provides for the needs of the business community and seeks to improve the public realm and the shopping core of the area and stimulate investment. It seeks to improve access routes for pedestrians and cyclists reducing the need to travel by car. It will make the INP area a more attractive place to live, work and visit.





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