

Broadclyst Parish Council
Second Regulation 19 Publication Draft – East Devon Local Plan 2020–2042
Representation on Soundness and Legal Compliance
Consultation closing 26 January 2026

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1. Introduction and scope

Broadclyst Parish Council welcomes the opportunity to comment on the Second Regulation 19 Publication Draft East Devon Local Plan 2020–2042.

This representation builds on our earlier Regulation 19 response of March 2025 and focuses on whether the plan is:

- Positively prepared
- Justified
- Effective, and
- Consistent with national policy

Our comments relate specifically to:

- The scale and distribution of growth in the West End
- Strategic Policy SD07 – Development at Broadclyst
- Policy WS13 – Employment at Lodge Trading Estate
- Infrastructure capacity (highways, active travel, health, schools, sewerage, drainage)
- Alignment with the Broadclyst Neighbourhood Plan (2023)
- Impacts on the Clyst Valley Regional Park, heritage assets and landscape
- Cumulative impacts of concurrent strategic allocations, including SD07 and WS13.

2. Legal compliance and engagement

We do not comment in detail on the Duty to Co-operate with prescribed bodies. However, we remain concerned that meaningful engagement with the Parish Council and with the made Broadclyst Neighbourhood Plan has been limited, despite the parish accommodating a substantial share of historic and proposed growth.

The Neighbourhood Plan was explicitly prepared to complement the review of the Local Plan and contains clear evidence of local housing need, infrastructure deficits and community priorities. The Second Regulation 19 draft does not yet demonstrate that this local evidence has been fully reflected or that conflicts between strategic allocations and neighbourhood policies have been satisfactorily resolved.

Subject to the concerns raised above regarding limited engagement with the Parish Council and the lack of clear evidence demonstrating how neighbourhood-level policies have been taken into account, Broadclyst Parish Council raises no further matters of legal compliance. We therefore ask that our written submissions be considered in full by the Planning Inspector under Regulation 20.

3. Soundness – key concerns

3.1. Spatial strategy and levels of growth in the West End

We acknowledge the strategic importance of the West End and its economic role. However, the combined effects of:

- The new community at Marlcombe
- Significant mixed-use allocations across the West End
- Additional employment allocations including WS13
- Further housing allocations at Broadclyst under SD07

result in very substantial cumulative impacts on:

- Highways
- Biodiversity
- Landscape
- Community services
- Sewerage and water systems.

The Local Plan's Sustainability Appraisal (SA) confirms that large-scale West End growth has:

- Negative effects on landscape,
- Negative effects on biodiversity,
- Negative effects on land resources and agricultural land,
- Negative effects on transport, unless mitigated.

Despite this, the Plan does not demonstrate how these cumulative harms will be avoided, nor does it show that reasonable alternatives (including different distributions of development or revised SD07 boundaries) were genuinely considered.

The concentration of this scale of growth in the West End does not reflect the NPPF requirement (paragraphs 15–16) for strategic policies to shape places in a way that is deliverable, locally

distinctive, and responsive to community priorities. Nor does it respond to NPPF paragraph 29, which confirms the important role of Neighbourhood Plans in reflecting local needs. In our view, the spatial strategy does not represent the most appropriate or justified distribution of development.

Conclusion:

The Spatial Strategy is not justified and not effective in the context of existing pressures on Broadclyst parish.

3.2. Strategic Policy SD07 – Development allocations at Broadclyst

The Parish Council has consistently raised concerns regarding the scale, distribution, and phasing of SD07.

The combined Brcl_12 (100 homes + 0.6ha employment land) and Brcl_29 (24 homes) form a single development cluster requiring a Masterplan.

Key Infrastructure Failures Not Addressed

a) Sewerage and Foul Drainage

There is a documented history of foul sewer failures in Broadclyst, particularly at Town End, where:

- Sewers are over capacity
- Frequent blockages and foul flooding occur
- Infrastructure includes aging Victorian pipes
- No confirmed upgrade programme exists from South West Water

Adding 124 homes without secured upgrades would worsen an already fragile system and is the opposite of the NPPF requirement for infrastructure-led development.

b) Surface Water and Flooding

The Winter Gardens area experiences:

- Waterlogged ground
- Surface water pooling
- Heavy reliance on untested SuDS attenuation
- No long-term maintenance agreements

c) Highways and Road Safety

- No safe walking route exists to Clyst Vale Community College or Broadclyst Primary School
- Station Road and the B3181 already operate beyond safe capacity
- Numerous near-misses are reported by residents
- No continuous footway
- Poor cycling conditions

d) Health and Education Capacity

- GP surgeries at or near capacity
- No evidence of funded expansion
- School places already constrained
- No timetable for new provision

e) Heritage and Landscape

The SD07 area contributes to the setting of:

- Broadclyst Conservation Area
- Killerton Registered Park & Garden
- Clyst Valley landscape character zone

The Plan does not demonstrate how these assets will be protected.

Best and Most Versatile (BMV) agricultural land

We also note that the SD07 allocation contains areas of Best and Most Versatile (BMV) agricultural land (Grades 2 and 3a). NPPF paragraph 174 requires planning policies to protect the economic and environmental value of such land. No evidence has been presented to show why development on BMV land at Broadclyst is justified when reasonable alternatives exist elsewhere in the district, including within the wider West End strategy.

Employment land and village sustainability

The Parish Council supports the inclusion of the 0.6ha of employment land within Brcl_12 and considers this essential to maintaining Broadclyst as a balanced and sustainable village rather than a commuter settlement. Mixed-use development is a core NPPF principle. The Local Plan should therefore include stronger safeguards to ensure the employment element is retained, delivered and not subsequently replaced by additional housing, a pattern observed in other strategic allocations in the West End.

Conclusion:

Policy SD07 is not justified, not effective, and not consistent with national policy (NPPF: infrastructure, flood risk, pollution, transport, and heritage).

3.3. Policy WS13 – Employment Land at Lodge Trading Estate (Station Road)

WS13 proposes 1.89ha of new employment land accessed via Station Road.

However:

- Station Road is narrow, heavily trafficked and lacks a continuous pavement.
- Students living along the road receive free school transport due to walking hazards.
- Additional HGV and work traffic will significantly worsen safety.
- WS13 was rejected by residents during the Neighbourhood Plan process due to road safety concerns and therefore not allocated.

Combined with SD07, WS13 creates a dangerous cumulative impact.

The intensification of employment use proposed under WS13 does not appear to comply with NPPF paragraphs 110–112, which require development to ensure safe and suitable access for all users and avoid unacceptable impacts on highway safety. It is also unclear how WS13 satisfies NPPF paragraph 104, which requires planning policies to minimise the need to travel and to prioritise safe, attractive and convenient walking and cycling routes.

Given the known hazardous conditions for pedestrians along Station Road, the Plan should provide stronger evidence that these requirements can be met before any allocation is confirmed; however, no improvements to Station Road are identified or costed within the Infrastructure Delivery Plan, despite WS13 depending entirely on this constrained route.

Conclusion:

WS13 is not effective, and the Plan fails to demonstrate how Station Road can safely support additional commercial traffic.

3.4. Infrastructure capacity and phasing

Both the Neighbourhood Plan and our previous Local Plan representation identify a clear pattern:

- Rapid housing growth in and around the parish;
- Infrastructure lagging behind, particularly in relation to:
 - Primary healthcare capacity
 - Primary and secondary school places
 - Foul sewerage
 - Drainage / flood mitigation
 - Active travel routes, including the lack of continuous, accessible pedestrian and cycling connections, with several routes assessed as hazardous for school-age children and no funded proposals for improvement.
 - Community and sports facilities.

The Second Regulation 19 draft contains positive high-level policies on infrastructure and climate resilience, reinforced by the Sustainability Appraisal framework. However, for Broadclyst there remains a critical gap between these strategic intentions and the specific allocations and delivery mechanisms.

In particular:

- There is no clear, costed and timetabled package of infrastructure interventions to support the SD07 allocations and to remedy known drainage and wastewater constraints in the parish, including long-standing limitations in the foul drainage network and a history of surcharge events, together with unresolved surface water issues.
- The plan does not secure the active travel projects identified in the Neighbourhood Plan (Policies T1–T5), such as safe walking and cycling routes between Broadclyst, Clyst Vale Community College, Broadclyst Station and the wider Clyst Valley network, despite their clear contribution to sustainable transport and carbon reduction.
- There is no firm linkage between occupation of new dwellings and the prior delivery of critical infrastructure (schools, health, sewerage upgrades, safe walking routes), leaving a high risk of further “bolt-on” housing and worsening service pressures.

Infrastructure Delivery Plan (IDP) evidence gap

The Infrastructure Delivery Plan (IDP) does not identify the specific interventions required to support SD07 or WS13, nor does it provide cost estimates, responsible delivery bodies, or funding sources. This is inconsistent with NPPF paragraphs 20 and 73, which require strategic policies to make sufficient provision for infrastructure and ensure that development is aligned

with its timely delivery. Without a clear and deliverable IDP, the infrastructure approach cannot be considered effective.

Conclusion:

The infrastructure approach is not effective and not positively prepared.

3.5. Consistency with the Broadclyst Neighbourhood Plan

The made Broadclyst Neighbourhood Plan is part of the development plan and provides detailed, locally derived policies on:

- Housing numbers, mix and scale (Policies H1–H6), based on local housing needs evidence;
- Infrastructure (walking and cycling), (Policies T1–T5, E1 and related CIL projects);
- The natural environment and biodiversity net gain (Policies NE1–NE7); and
- Community facilities, tourism and the Clyst Valley Regional Park.

The NPPF (paragraphs 29–30) gives Neighbourhood Plans significant weight in shaping local development and requires Local Plans to support, rather than undermine, neighbourhood-level strategies. SD07 and WS13 conflict directly with several NP policies on housing scale, active travel, landscape protection, and infrastructure delivery (Policies H1–H6, T1–T5 and NE1–NE7). These conflicts have not been satisfactorily addressed.

The NP deliberately promotes small and medium-sized sites, community-led housing and proportionate growth that can be matched with infrastructure. It also embeds a strong emphasis on active travel, traffic calming and the protection and enhancement of the Clyst Valley landscape.

While we accept that a new Local Plan can introduce additional strategic allocations, the current Broadclyst proposals risk undermining the spatial and infrastructure strategy of the Neighbourhood Plan, rather than complementing it. SD07 and WS13:

- Exceed the scale supported in the NP evidence base
- Fail to secure NP-required transport improvements
- Undermine NP principles of proportionate growth
- Do not reflect the village's infrastructure constraints
- Lack community support, contrary to NPPF para 16 and 29

There is insufficient recognition that Broadclyst is already accommodating a disproportionate share of West End growth.

Conclusion:

The Local Plan is not in general conformity with neighbourhood-led planning.

3.6. Clyst Valley Regional Park and environmental impacts

The Parish Council welcomes continuing support for the Clyst Valley Regional Park, which is central to health, biodiversity and low-carbon recreation for residents of Broadclyst Parish and the wider West End. The Neighbourhood Plan is explicitly designed to be in general conformity with Strategy 10 and the Clyst Valley Regional Park Masterplan.

However, the cumulative effect of the proposed new community, additional employment allocations and growth at Broadclyst risks:

- Further erosion of the rural setting of the Clyst Valley;
- Increased recreational and traffic pressures on sensitive habitats; and
- Loss of Best and Most Versatile agricultural land.

The Sustainability Appraisal acknowledges mixed positive and negative cumulative effects on biodiversity and landscape, even with mitigation.

The NPPF requires planning policies to protect and enhance valued landscapes and minimise impacts on biodiversity (paragraphs 174–176). The cumulative development now proposed for the West End, including SD07 and WS13, has not been shown to comply with these duties. The evidence presented does not demonstrate that impacts on the Clyst Valley’s habitats, species, heritage landscapes and tranquillity can be mitigated effectively.

Conclusion:

Environmental mitigation is insufficient, poorly evidenced, and not tied to deliverable infrastructure. We do not see a clear, deliverable package of measures within the Local Plan that fully addresses these risks.

4. Reasonable alternatives

The Plan does not demonstrate that alternatives were genuinely assessed, including:

- Different distributions between Broadclyst and Marlcombe
- Reduced scale of SD07
- Exclusion of WS13
- Smaller, NP-compliant sites
- Alternative employment locations with safer access

In particular, the Plan does not demonstrate why the scale of SD07 has been preferred over a more proportionate approach focused on smaller NP-compliant sites, or why additional capacity could not be directed to the emerging new community at Marlcombe, where major infrastructure is already planned.

The Sustainability Appraisal’s consideration of these alternatives is high-level and does not address the on-the-ground constraints in Broadclyst.

Conclusion:

The Plan is not justified, failing a key soundness test.

5. Requested main modifications

Without prejudice to the Inspector’s ultimate findings, Broadclyst Parish Council considers that the Plan could be made sound through main modifications which:

5.1. Re-examine the scale and distribution of SD07, considering:

- 5.1.1. Neighbourhood Plan evidence
- 5.1.2. Existing and committed growth
- 5.1.3. Infrastructure constraints
- 5.1.4. Environmental sensitivities

5.2. Require a statutory Masterplan (SPD) for Broadclyst before any planning application, setting out:

- 5.2.1. Transport improvements
- 5.2.2. Active travel networks
- 5.2.3. Drainage and sewer upgrades
- 5.2.4. School and GP provision
- 5.2.5. Phasing linked to infrastructure delivery
- 5.2.6. Design code conformity with the Neighbourhood Plan

5.3. Remove or reduce WS13, or, require a funded road safety strategy for Station Road.

5.4. Strengthen alignment with the Neighbourhood Plan, requiring strategic allocations to support NP principles wherever possible.

5.5. Include clear, costed infrastructure requirements in the Infrastructure Delivery Plan, including responsibilities and funding sources.

5.6. Strengthen environmental protections for the Clyst Valley, ensuring development contributes to the CVRP's goals and avoids landscape harm.

5.7. Require written confirmation from South West Water/Pennon that adequate sewer capacity exists before any permission is granted.

6. Conclusion

Broadclyst Parish Council supports the principle of a new Local Plan that delivers sustainable, infrastructure-led growth, protects the exceptional environmental and historic assets of East Devon, and aligns with community-led planning. However, in relation to Broadclyst and the West End, we do not consider that the Second Regulation 19 draft is yet:

- Justified, as the most appropriate strategy when reasonable alternatives and neighbourhood evidence are taken into account;
- Effective, in terms of infrastructure delivery, phasing and cumulative impact management; or
- Fully consistent with national policy, particularly regarding infrastructure, flood risk, pollution, highway safety, protection of heritage assets and the status of Neighbourhood Plans.

In summary, the Plan fails multiple elements of the NPPF and does not reflect the spatial, design or infrastructure principles set out in the Broadclyst Neighbourhood Plan. This undermines the Local Plan's coherence and its ability to deliver sustainable, infrastructure-led growth in Broadclyst.

We respectfully invite the Inspector to consider these concerns at Examination and to recommend main modifications along the lines set out above.