

# Second Regulation 19 Representations to East Devon Local Plan

On Behalf of Mr P and Mrs A Broom

McMurdo Reference 20009

Strategic Land at the “West End” of East Devon  
District

January 2026

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## 1. Introduction

1. Our Client is Mr P and Mrs A Broom, and their land interest are free from significant environmental and physical constraints, suitable and available to meet East Devon's and Exeter's residential and employment needs. Whilst within East Devon District Council (EDDC)'s jurisdiction, it is in close proximity to Exeter City Council (ECC)'s administrative boundary, in an area identified for strategic development in relevant policies and near key existing and planned for infrastructure and services.
2. These representations should be read together with representations made by Carney Sweeney on behalf of our client and Down, on land making up a significant part of a proposed village between Clyst St George and Clyst St Mary to supplement the new community for up to 2,000 houses

### **Land Between Clyst St George and Clyst St Mary (Appendix 1)**

3. Our Client's land interest is in a sustainable location. Technical work commissioned has informed a Masterplan which demonstrates that the land would deliver C1,500 (up to C2,000) houses. The Masterplan includes a strategic road link between the A376 and the A3052 without subsidy, taking traffic away from East Devon villages and Junctions 29 and 30 of the M5, towards the first-choice new town option and onto the strategic employment sites on the A30, all benefitting existing and future residents of the district.
4. The scheme would require only a 2-year lead in from adoption to strategic scale housing delivery without significant environmental harm and would dovetail with the selected new town proposal in East Devon which would begin to deliver scale later in the plan period.
5. Together with EDDC's preferred option for a new town, our proposal would ensure housing delivery, achieving about 10,000 houses in the right locations

across 2 Local Plan periods with the potential to deliver strategic road infrastructure all the way from the A376 to the A30.

6. This land is suitable and available to meet Exeter's (and East Devon's) housing needs broadly in line with the issues that subregion faces.

### **Land at Clyst St George Including Courtbrook Farm (Appendix 2)**

7. Our Client's land is in a sustainable location in Clyst St George. Two of the existing buildings have already achieved prior approval for employment uses under application reference 24/1516/PDR.
8. The site is in a sustainable location with good access to the existing highway network. It is free from planning policy constraints and well placed for employment development.
9. This land is suitable and available to meet Exeter's (and East Devon's) employment needs broadly in line with the issues that subregion faces.

### **Land at Clyst St Mary (Appendix 3)**

10. Our Client's land is located around the western, northern, and north-eastern edge of Clyst St Mary, within the Parish of Sowton.
11. The site(s) are strategically located adjoining the Clyst St Mary built up area boundary and are free from planning policy constraints and in an eminently sustainable location. The sites have accesses and are deliverable without public subsidy, benefiting from a close spatial relationship with existing and planned for strategic employment sites in the area.
12. Development in this location has high potential for a green infrastructure and Clyst Valley Regional Park Masterplan led housing development. The location of the site(s) offers the opportunity for quality green infrastructure onsite and

improvements to linkages with the wider Clyst Valley Regional Park environment also.

13. The site(s) have limited infrastructure costs meaning that the land is suitable and available to deliver both open market and affordable homes within a short period (5 years) to meet Exeter's (and East Devon's) housing needs broadly in line with the issues that subregion faces.

### **Commentary**

14. Though the land parcels are in East Devon, they are also relevant to Exeter's Local Plan making too (representations have been made to all emerging EDDC and ECC plans since 2021).

15. Whilst there are many elements of the plan that our client fully supports, in this response we raise key themes that require attention by EDDC (and ECC) as part of the due process regarding appropriate consultation of the plan, its policies, and proposed allocations.

16. It is clearly in the interests of everyone that EDDC adopts "sound" plan as soon as possible and our client will support the Council in its aims. However, the plan is not legally compliant as it stands and it cannot be found "sound," consequently.

## 2. Setting the Scene to the Policy Making and the Duty to Cooperate (DTC)

### **Housing Delivery and 5 Year Housing Land Supply (5YHLS)**

1. Our client maintains objections to the Plan on these grounds for the same reasons as conveyed in our representations from March 2025 to the first Regulation 19 Plan, (housing land supply, employment land supply, conflicts with Sustainability Appraisal (SA) and HRA, and duty to cooperate, broadly) and is still of the view that the Plan will have to be redrafted for the reasons set out therein.
2. We also make the following points, not previously made:

### **Transitional Arrangements and a Second Regulation 19 Plan**

This is the second Regulation 19 Plan with significant changes from the first Regulation 19 Plan.

Government guidance on plan making from 2025, states that a Council cannot carry out two rounds of Regulation 19 plan making (to avoid higher housing numbers, essentially) if the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage. Paragraph: 86  
Reference ID:61-086-20250616 Revision date: 26 06 2025PPG.

A report to Strategic Planning Committee from 2<sup>nd</sup> of September 2025 effectively highlighted to Members that responses made to the first Regulation 19 Plan would necessitate major changes to make the Plan “sound” but that the required major changes would take plan making back a stage (to Regulation 18 stage) triggering the need for the Council to meet higher housing numbers.

The result is a second Regulation 19 Plan with significant red markings (i.e. significant changes) covering the text in a failed attempt to camouflage the Plan's clear deficiencies (DtC, SA and HRA, in particular).

## **Duty to Cooperate and Unmet Needs**

Allied to this, the Council's responses (Local Plan Paragraphs 1.14 and 3.8 refer) to the DtC and unmet needs, are wholly unsatisfactory, especially given the drastic and well documented historic undersupply of housing (especially affordable housing) and employment land in both Exeter and East Devon.

## **Housing**

Furthermore, on housing (Paragraph 3.9 refers), the Council's priority, it says, is to "*address...housing needs by establishing a clear housing requirement based on the standard method using...ONS*" but this is plainly incorrect because it is trying to benefit from transitional arrangements so that it doesn't have to meet the 100% need (presumably). The point being whether the Plan can progress under the transitional arrangements or not, the Council is not attempting to meet its true housing need.

## **Sustainability Appraisal (SA)**

The SA highlights significant constraints that effect a number of allocations identified within Chapter 5. Development in the Towns and Villages. The housing requirement supply figures identified by policy SP03 (Housing Requirement Figures for Designated Neighbourhood Areas) rely on the allocations identified within Chapter 5.

## **Landscape**

The SA includes a landscape objective to conserve and enhance the special qualities and distinctive character of landscapes, undeveloped coast, and seascapes. Policy SP02 has been appraised as having a "minor negative effect in contributing towards the achievement of the objective". However, this "score" is applicable to policies affecting sites within the setting of National Landscapes (NL). Policies effecting sites within NL, are instead "scored" as likely to have "a

major negative effect in contributing towards the achievement of the objective.” The housing requirement set by this policy is proposed to be met by a number of sites within NL, as such the accuracy of this overall “score” is questionable at best.

In appraising the site allocations, a number of sites are, ***now (and only now)***, described as requiring considerable landscape mitigation and high quality design as a result of the site’s sensitivity, but that major/significant negative effects remain likely. This includes sites: Budl\_02 (35 homes), Kilm\_9b (23 homes), Kilm\_10 (5 homes), Newt\_04 (20 homes), Newt\_05 (20 homes) and Otto\_01 (10 homes). As such, the delivery and capacity of these allocations (equating to 113 homes) is far from certain.

Site allocations Exmo\_17 (410 homes), Gitti\_05 (310 homes), Honi\_07 (30 homes), Honi\_13 (10 homes), Musb\_01a (15 homes), Dunk\_05 (43 homes), Ebud\_01 (15 homes) and Sidm\_34 (43 homes) are all within NL. Of these, Exmo\_17 (410 homes) is dependent on an agreed Masterplan to demonstrate how development will be undertaken to conserve and enhance the NL, and the remaining 466 homes will require further detailed assessment to “*maximise opportunities to conserve and enhance the National Landscape*”. Despite allocation, the deliverability and capacity of these sites is questionable at best in the absence of detailed assessment of landscape impacts.

## **Minerals**

Policy SD01 allocates Exmo\_20 for social and community facilities, 700 homes and 2ha employment land. The north eastern part of Exmo\_20 is within the Mineral safeguarding Area (MSA). Whilst the SA suggests that the presence of the MSA within this allocation is of limited concern, this conclusion fails to consider the buffer which will be required between any permanent development and any mineral working and the implications for site capacity and deliverability. It is relevant that Devon County Council (DCC) has objected to this allocation on the basis that it has the potential to sterilise underlying sand and gravel and constrain future working within parts of the MSA inconsistent with the NPPF and

Devon Minerals Plan. Whilst DCC have recommended steps to address this concern, the policy amendments do not reflect these recommendations. Despite allocation, the deliverability and capacity of this site is questionable in the absence evidence to address DCC's objection.

## **Policy PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies**

### **Object**

Reasons: This policy has the potential to have significant implications for policy allocations within the Local Plan. It states that no development will be permitted where there is potential for increased vehicle numbers, resulting in unacceptable increases of emissions of nitrogen oxide and/or ammonia or other polluting emissions failing on designated sites.

The policy refers to the Pebblebed Heaths Technical Assessment Report which confirms that development occurring through Local Plan policy as a whole, will result in unacceptable adverse impacts in the absence of mitigation. The conclusions of the Mitigation Strategy associated with this Report recommend the following:

1. That further work is conducted in regard to traffic and emissions modelling to enable mitigation to be specified in more detail, and the appropriate assessment to be completed.
2. More detailed mitigation measure design and sensitivity testing should be carried out to determine whether measures could be designed to be sufficient to avoid all Likely Significant Effects on the integrity of the Pebblebed Heaths SAC and SPA and if so, the Local Plan should be updated to require and enable such measures to be integrated into the plan at strategic level (i.e. via a levy per dwelling).

3. If development is able to fully mitigate any increase in air pollution impacts at habitat sites, this could waive a requirement to contribute to strategic level mitigation
4. If following completion of (2), the identified mitigation measures are found not to fully address the effects of the EDLP resulting in residual adverse effect to integrity, the Local Plan will need to be amended to eliminate this residual effect.

It is clear from the recommendations of this Strategy that there are uncertainties relating to allocations within the Local Plan, and in the absence of work to address these recommendations, the viability, capacity, and deliverability of the affected allocated sites is uncertain.

Sites specifically referenced in the Local Plan as likely to be affected by the Pebblebed Heaths include:

1. WS06 (24.34ha employment land) – in Nitrate Vulnerable Zone
2. WS07 (15.3ha employment land) – in Nitrate Vulnerable Zone
3. WS08 (1ha employment land) – in Nitrate Vulnerable Zone
4. WS12 (0.7ha employment land) – in Impact Risk Zone

The SA refers to “risks relating to recreation and air quality on European sites for all Options due to the proximity of the Pebblebed Heaths and Exe Estuary” stating that this has to be considered further by HRA.

Furthermore, the SA refers to HRA and potential air quality impacts at East Devon Heaths SAC/SPA from increased traffic from nearly every proposed allocation<sup>1</sup>. We do not contend that these allocations are undeliverable. The point is we do not know whether they are and neither does the Council; we certainly do not know the capacity of each site.

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<sup>1</sup> Please see sites listed as Appendix 4

## **Suggested Amendments Required**

Address the Air Quality Mitigation Strategy recommendations, amend the Local Plan after real consideration of the necessary mitigation for each of the affected allocations, allocate more land in the right locations in line with SA and HRA for housing and employment space and reconsult on the Local Plan going back to Regulation 18 stage.

## **The Result of Transitional Arrangements and a Second Regulation 19 Plan**

The result is the Plan is neither legally compliant nor “sound” and it will have to go back to Regulation 18 stage. The Council will have to meet its *“housing requirement based on the standard method using...ONS,”* delivering housing and employment land in the right locations away from National Landscapes, in line with its SA and HRA.

### 3. Comments on Vision and Objectives of the Plan

1. Our client maintains objections to the vision for the reasons set out in their First Regulation 19 response (i.e. against the vision, objectives and sustainability appraisal work, evidenced sub regional housing and employment land needs, and market forces, the Plan proposes C50% of its housing and employment land needs in national landscape areas and a significant majority of its “West End” housing and employment land as part of a future Part B plan making process, and does not even attempt to deal with Exeter’s unmet need, all of which is neither sustainable nor “sound” plan making.”)

#### 4. Strategic Policy SP01: Spatial strategy

**Objection** (maintained)

**Reasons** (as per previous representations)

#### Suggested Amendments Required

- Remove significant levels of housing and employment land allocations from national landscapes (which are not market facing in any case) and
- Reallocate the deleted allocation numbers from national landscapes to the “West End” of East Devon and
- Allocate additional housing and employment land away from national landscapes to meet Exeter’s unmet needs, on the area free from development constraints, the “West End” of the district.

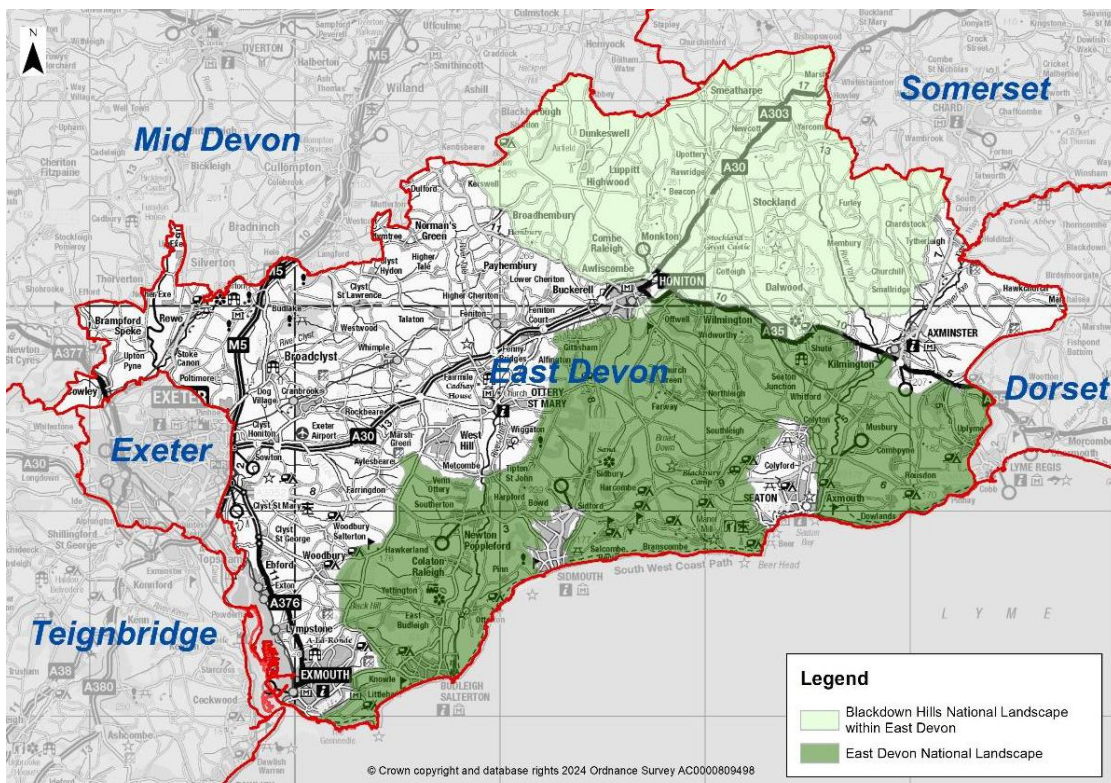


Figure 1 East Devon District and neighbouring authorities

5. Strategic Policy SP02: Levels of future housing development

**Objection** (maintained)

**Reasons** (as per previous representations))

**Suggested Amendments Required**

- Remove housing land allocations from national landscape areas (which are not market facing in any case) and
- In line with the SA, allocate more housing land away from national landscapes and to meet EDDC's and ECC's unmet needs, on the area free from development constraints, the "West End" of the district.

6. Strategic Policy SP04: Employment provision and distribution strategy

**Objection** (maintained)

**Reasons** (as per previous representations))

**Suggested Amendments Required**

- Remove non-strategic (i.e. small sites) from employment land allocations (many of which are not proven to be deliverable in any case) and
- Remove employment land allocations from national landscapes (which are not market facing in any case) and
- Allocate more employment land away from national landscapes and to meet EDDC's, and ECC's unmet, needs, on the area free from development constraints, the "West End" of the district, including expanding Hill Barton early in the plan period to meet clearly evidenced pent up demand in the logistics, waste, and energy sectors.<sup>2</sup>

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<sup>2</sup> We will present detailed expert evidence on these matters as the plan progresses to EiP

7. Strategic Policy SP06: Development beyond Settlement Boundaries

**Objection** (maintained)

**Reasons** (as per previous representations))

**Suggested Amendments Required**

- Amend the policy to be flexible to ensure adequate housing and employment land is delivered and to comply with the NPPF

8. Strategic Policy WS09: Clyst Valley Regional Park

**Objection** (maintained)

**Reasons** (as per previous representations))

**Suggested Amendments Required**

- Amend the policy so that the CVRP can be delivered as part of strategic development proposals at more intensive Masterplan stages, reviewed periodically.

9. Strategic Policy HN02: Affordable housing

**Objection** (maintained)

**Reasons** (as per previously)

**Suggested Amendments Required**

- The Local Plan should state how it is going to viably deliver the affordable housing need of more than 8,000 houses (it has to address the current shortfall).
- Allocate more housing land in the “West End” of the district to enable affordable housing delivery and reflect in other strategic policies.

10. Policy OL04: Areas of strategic visual importance

**Objection** (maintained)

**Reasons** (as per previous representations))

**Suggested Amendments Required**

- Delete the policy

11. Policy OL05 Green Wedges

**Objection** (maintained)

**Reasons** (as per previous representations))

**Suggested Amendments Required**

- Because the policy is ineffective and not sound in this regard, amend it to consider Policy WS01; and,
- Because there is no merit in the identification of our Client's land as part of Green Wedge at Pinhoe, as it would not reflect the criteria for identification as set out within the proposed policy nor would its development be restricted by the proposed policy, remove this land from the Green Wedge designation.

12. Policy OL10: development on high quality agricultural land

**Objection** (maintained)

**Reasons** (as per previously)

**Suggested Amendments Required**

Either:

- Delete the policy and rely on Paragraph 187 (and footnotes) of the NPPF (which should be the preference, we respectfully suggest); or
- Redraft the policy based on Paragraph 187 of the NPPF (but all that would do is duplicate policy provision).

13. Strategic Policy PB05: Biodiversity Net Gain (BNG)

**Objection** (maintained)

**Reasons** (as per previous representations))

**Suggested Amendments Required**

- Delete the policy, rely on statutory provisions and the NPPF, and focus on securing 10% BNG as required by statute.

14. Policies PB03: Protection of irreplaceable habitats and important features and PB08: Tree, hedges, and woodland on development sites

**Objection** (maintained singularly and cumulatively)

**Reasons** (as per previous representations))

**Suggested Amendments Required**

Either:

- Delete the policies; or,
- Amend PB03 to delete mature trees and hedgerows from “irreplaceable habitats and important features”) **and** simplify PB08 and provide detailed, reasoned justification for analysis for the policy as written, and reconsult.

15. Strategic Policies OS01: Access to open space and recreation facilities and OS02: Sport, recreation, open space provision in association with development

**Objection** (maintained singularly and cumulatively)

**Reasons** (as per previous representations)

**Suggested Amendments Required**

Either:

- Delete the policies and rely on Chapters 2, 6 and 8 of the NPPF;
- Delete the following aspects from the policies:
  - The onerous, unjustified, and unclear, requirements for schemes of over 200 houses and over 300 houses;
  - The onerous, unjustified, and unclear, requirements for schemes for non-residential uses.
- Provide detailed, reasoned justification for analysis for the policies as written and reconsult.

16. Policies HE01: Historic Environment, HE02: Listed Buildings and HE03: Conservation Areas, HE04: Archaeology and Scheduled Monuments

**Objection** (maintained)

**Reasons** (as per previously)

**Suggested Amendments Required.**

Either:

- Delete the policies and rely on Chapter 16 of the NPPF;
- Amend the policies to mirror Chapter 16 of the NPPF;
- Provide detailed, reasoned justification for those aspects out of kilter with the Chapter 16 of the NPPF and reconsult.

17. Policy CF02: Loss of Community Facilities

**Objection** (maintained)

**Reasons** (as per previously)

**Suggested Amendments Required.**

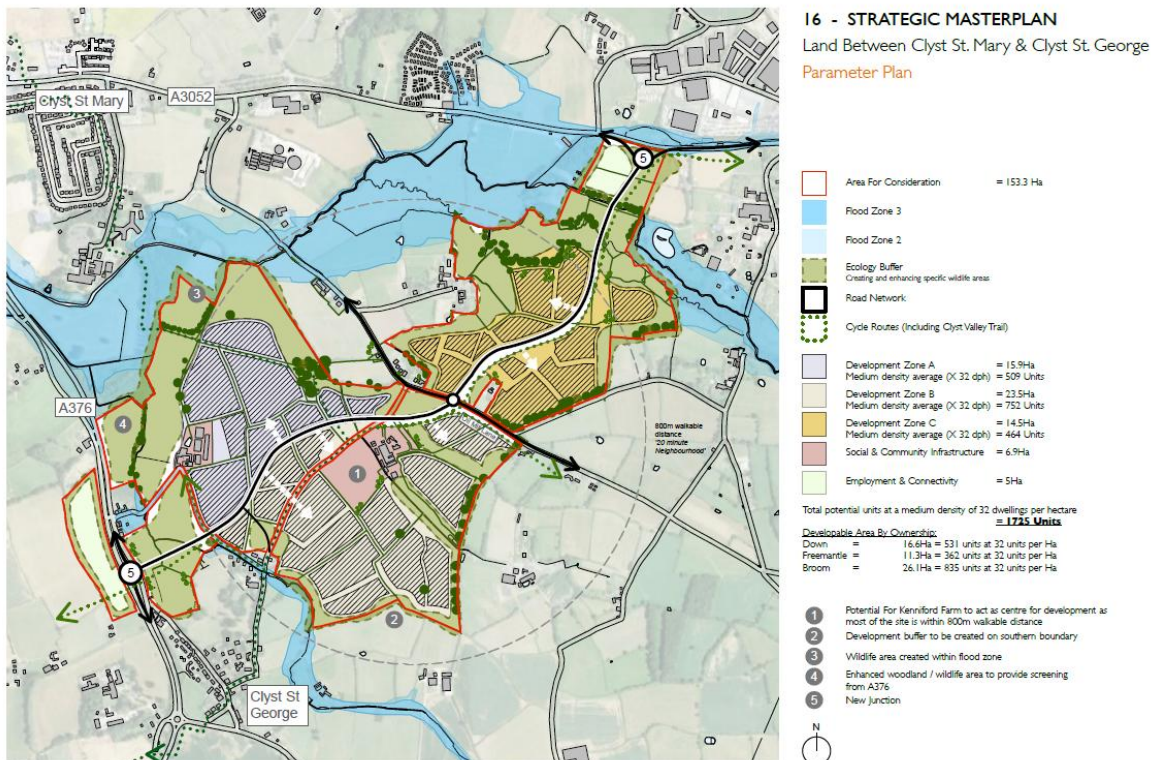
- Define “community facilities” and reconsult;
- Add another “test” to include such words.

18. Conclusion

1. We thank you for the opportunity to comment and trust our views will be taken into consideration as the plan progresses.
2. Reiterating, there are many elements of the plan that our client fully supports, however, in this response we raise key themes that require attention by EDDC (and ECC) as part of the due process regarding appropriate consultation of the plan, its policies, and proposed allocations.
3. It is clearly in the interests of everyone that both EDDC and ECC adopt “sound” plans as soon as possible and our client will support the Councils in their aims.
4. However, the plan is not legally compliant or “sound” as it stands.

Appendix 1 Land Between Clyst St George and Clyst St Mary

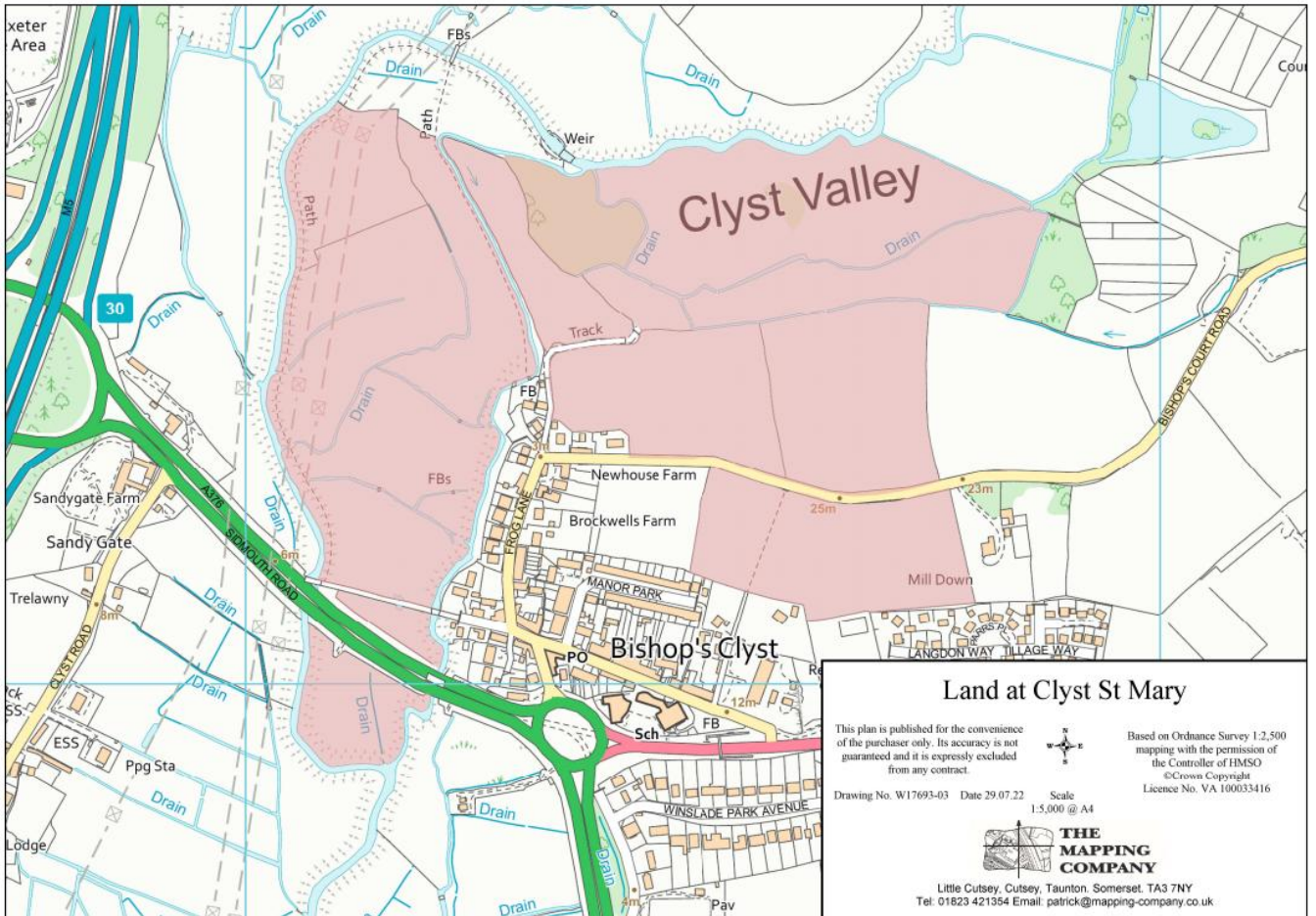
Please also see representations made by Carney Sweeney on behalf of our client and Down, on land making up a significant part of a proposed village between Clyst St George and Clyst St Mary to supplement the new community for up to 2,000 houses



Appendix 2 Land at Clyst St George Including Courtbrook Farm



Appendix 3 Land at Clyst St Mary



Appendix 4 List of Site Allocations Affected by Necessary Changes to Second  
Regulation 19 Plan

- Chlo\_09
- GH/ED/43
- GH/ED/45
- Rock\_09a
- CLGe\_23a
- Clge\_25a
- North of Topsham
- Exmo\_04a
- Exmo\_06
- Exmo\_08
- Exmo\_16
- Exmo\_17
- Exmo\_18
- Exmo\_20
- Exmo\_23
- Exmo\_47
- Exmo\_50
- Lymp\_07
- Lymp\_14
- Gitti\_03
- Gitti\_04
- Gitti\_05
- Honi\_06
- Honi\_07
- Honi\_10
- Honi\_13
- Honi\_14
- Honi\_18

- GH/ED/39a
- GH/ED/39b
- Plots 11A, 11B, 11D and 11M for 3.3 ha employment land at Heathpark Industrial Estate.
- Otry\_01b
- Otry\_09
- Otry\_10
- Otry\_15
- Otry\_21
- Sidm\_01
- Sidm\_06a
- Sidm\_31
- Brcl\_12
- Brcl\_29
- Budl\_02
- Lymp\_01
- GH/ED/72a
- GH/ED/73
- Wood\_06
- Wood\_09
- Wood\_10
- Wood\_16
- Wood\_20
- Ebud\_01
- Wood\_01
- Wood\_28
- Feni\_05
- Feni\_08
- Otry\_20
- Newt\_04
- Newt\_05
- Otto\_01

- Payh\_03a
- Sidm\_34
- Otry\_04
- West\_04
- West\_18
- Whim\_08a
- Whim\_11



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