

POLICY EM13

IN THE RESTRICTED INFILL VILLAGES PLANNING PERMISSION FOR NEW BUSINESS AND INDUSTRIAL DEVELOPMENT WILL NORMALLY BE GRANTED PROVIDED IT IS WITHIN THE EXISTING CONFINES OF THE VILLAGE.

5.62 OBJECTION by :

2406 CPRE

SUMMARY OF OBJECTION

5.63 Paragraph 5.38 should include a reference to land enclosed by bypasses as in paragraph 4.103.

THE ISSUE

1. Whether the addition of the suggested sentence would add clarity and consistency to the Local Plan ?

ASSESSMENT

5.64 Clearly it would, and I recommend accordingly.

RECOMMENDATIONS.

5.65 That the Local Plan be modified by the addition of the following sentence to paragraph 5.38, viz :

'The construction of a bypass around a Restricted Infill Village will not be regarded as an extension to the confines of the village and land between the existing built up area and the new road will be considered as open countryside'.

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POLICY EM14

IN THE RESTRICTED INFILL VILLAGES PLANNING PERMISSION FOR THE RENOVATION OR CONVERSION OF EXISTING BUILDINGS FOR INDUSTRIAL OR COMMERCIAL PURPOSES WILL NORMALLY BE GRANTED PROVIDED THE PROPOSAL REPRESENTS A POSITIVE CONTRIBUTION TO THE CHARACTER AND QUALITY OF THE VILLAGE ENVIRONMENT. IN ASSESSING PROPOSALS FOR THE PURPOSE OF THIS POLICY, REGARD WILL BE PAID TO THE CRITERIA SET OUT IN POLICY EN20 OF THIS LOCAL PLAN.

[Proposed Changes : See Core Document No.12]

5.66 **OBJECTIONS by :**

523 British Telecommunications plc. 1311 DTi
2244 DoE

SUMMARY OF OBJECTIONS

5.67 The requirement that proposals need to make ' a positive contribution to the character and the quality of the village' is unreasonable and more onerous than is required in Conservation Areas. The policy should be reworded to permit development which has no adverse effect on the amenity of local residents or the character of the village, viz :

'Planning permission will normally be granted for the renovation or conversion of existing buildings for industrial or commercial purposes in the Restricted Infill Villages provided that the proposal is in keeping with the character and the quality of the village environment'.

THE ISSUE

1. Whether the objectors' suggested change would more accurately reflect the aims and objectives of the Local Plan ?

ASSESSMENT

5.68 The Council's suggested change would meet the objections to a policy which is too onerous in requiring development to improve on the status quo.

RECOMMENDATIONS.

5.69 That Policy EM14 be modified by the substitution of the words, 'IS IN KEEPING WITH' for the words, 'REPRESENTS A POSITIVE CONTRIBUTION'.

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RESTRAINT VILLAGES.

POLICY EM15

IN THE RESTRAINT VILLAGES PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR BUSINESS AND GENERAL INDUSTRIAL DEVELOPMENT. EXCEPTIONS MAY INCLUDE PROPOSALS FOR SMALL SCALE DEVELOPMENT RELATED TO THE REUSE OF BUILDINGS FOR USES APPROPRIATE TO SMALL VILLAGES IN RURAL AREAS. IN ORDER TO MERIT CONSIDERATION FOR REUSE UNDER THIS POLICY, THE REDUNDANT BUILDING MUST HAVE A CHARACTER WHICH RENDERS IT WORTHY OF RETENTION AND THE PROPOSED USE, FORM, BULK AND GENERAL DESIGN OF THE CONVERTED BUILDING MUST BE IN KEEPING WITH ITS SURROUNDINGS.

[Proposed Changes : See Core Document No.12]

5.70 OBJECTIONS by :

36	NFU	465	Country Landowners
1312	DTi		Association
2245	DoE		

SUMMARY OF OBJECTIONS

5.71 Government advice in PPG7 does not require that rural buildings be 'redundant' before reuse by conversion; the word should be deleted from the policy and paragraph 5.43.

THE ISSUE

1. Whether the requirement for the building to be redundant is too onerous and contrary to Government advice ?

ASSESSMENT

5.72 The Council's proposed change acknowledges the inappropriateness of the requirement and I am content to recommend its deletion.

RECOMMENDATIONS.

5.73 That Policy EM15 be modified by the deletion of the word, 'REDUNDANT'.

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HAMLETS AND OPEN COUNTRYSIDE.

POLICY EM16

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR BUSINESS AND GENERAL INDUSTRIAL DEVELOPMENT IN THE HAMLETS AND OPEN COUNTRYSIDE. EXCEPTIONS MAY INCLUDE PROPOSALS FOR SMALL SCALE DEVELOPMENT RELATED TO THE REUSE OF BUILDINGS UNDER THE POLICIES OF THIS LOCAL PLAN.

[Proposed Changes : See Core Document No.12]

5.74 OBJECTION by :

449 Christ Church Oxford

SUMMARY OF OBJECTION

5.75 In the interests of clarity the final line of the policy should read, viz :

'... to the reuse of buildings under the relevant policies of this Local Plan'.

THE ISSUE

1. Whether the Local Plan would be more clearly expressed if the objector's suggested change were adopted ?

ASSESSMENT

5.76 Clearly the Council accept the proposition and so do I; I recommend accordingly.

RECOMMENDATIONS.

5.77 That Policy EM16 be modified by the addition of the word, 'RELEVANT' to describe the ... 'POLICIES OF THIS PLAN'.

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POLICY EM17

PLANNING PERMISSION FOR THE CONVERSION OF BUILDINGS IN THE OPEN COUNTRYSIDE TO INDUSTRIAL OR COMMERCIAL USES WILL NORMALLY BE GRANTED PROVIDED THAT:

- A. THE PROPOSED USE CAN BE ACCOMMODATED WITHOUT THE CONSTRUCTION OF ANY EXTENSIONS.
- B. THE PROPOSED USE COMPLIES WITH THE GENERAL STANDARDS OF THE DISTRICT COUNCIL IN RESPECT OF TRAFFIC, PARKING AND ENVIRONMENTAL PROTECTION.
- C. THE CONVERTED BUILDING RETAINS ITS ESSENTIAL CHARACTER BOTH IN BUILDING DESIGN AND LAYOUT TERMS.

[Proposed Changes : See Core Document No.12]

5.78 OBJECTIONS by :

466	Country Landowners Association	1313	DT1
2040	MAFF (2041)		

SUMMARY OF OBJECTIONS

5.79 The policy duplicates Policy EN21 and should be deleted.

5.80 The word, 'extensions' in Criterion A should be qualified by the words, 'large scale'. Criterion C implies that buildings to be converted should be of a traditional nature and not modern. However, modern buildings can provide suitable facilities for industrial and commercial uses and should not be barred from those uses by this policy. The reference to 'redundant buildings' in paragraph 5.43 runs counter to the advice in PPG7 which does not make that distinction.

THE ISSUE

1. Whether the suggested changes would more accurately reflect the aims and objectives of the Local Plan ?

ASSESSMENT

5.81 I see little point in a policy which deals with the reuse of rural buildings for a particular purpose. Policies EN21 and EN23, as modified, cover the conversion and adaption of rural buildings for whatever use. In that form they largely satisfy the objections of the Country Landowners Association. The Council accept that the reference to 'redundant' buildings goes against Government advice; if paragraph 5.43 is to be retained it too should be modified to reflect that advice. I recommend accordingly.

RECOMMENDATIONS.

5.82 That Policy EM17 be deleted from the Local Plan and that paragraph 5.43 be modified, viz :

'The District Council is keen to promote the use of buildings in the countryside for employment purposes to assist the economy of those areas. Proposals for conversion should comply with the policies in this Local Plan while ensuring that the converted building retains its essential character both in building design and site layout'.

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Inspector's Note.

5.83 The objections to Policies EM19 and EM20 are so closely interrelated that it is convenient to consider the objections together.

DEVELOPMENT IN THE VICINITY OF MOTORWAY JUNCTION 18, CRICK.

POLICY EM19

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR THE DEVELOPMENT OF LAND IN THE VICINITY OF MOTORWAY JUNCTION 18 IN THE PARISH OF CRICK AS IDENTIFIED ON THE PROPOSALS MAP (JUNCTION 18 INSET) PROVIDED THAT:

[(A) - (D)] as listed'.

DEVELOPMENT OF THE LAND SHOWN AS PHASE 2 ON THE INSET MAP WILL BE PERMITTED PROVIDED PROVISION IS MADE FOR THE RELOCATION OF AN EXISTING NON-CONFORMING USE, THAT REQUIRES ACCESS TO A TRUNK ROAD, FROM ELSEWHERE IN THE DISTRICT.

THE DEVELOPMENT OF PHASE 2 WILL NOT COMMENCE UNTIL ALL LAND IN PHASE 1 IS SUBSTANTIALLY DEVELOPED OR 1997 WHICHEVER IS THE LATER. AN EXCEPTION WILL BE MADE FOR THE NON-CONFORMING USE REFERRED TO IN (D).

THE DISTRICT COUNCIL WILL REQUIRE THE SUBMISSION OF AN ENVIRONMENTAL ASSESSMENT FOR MAJOR DEVELOPMENT PROPOSALS, TO EXAMINE THE IMPACT ON AGRICULTURE, THE ENVIRONMENT, SERVICES, ACCESS, EMPLOYMENT AND HOUSING.

POLICY EM20

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR AN INTERNATIONAL RAIL FREIGHT TERMINAL, COMPRISING A RAIL TO ROAD TRANS-SHIPMENT FACILITY AND ADJOINING RAIL-RELATED EMPLOYMENT DEVELOPMENT, ON LAND TO THE SOUTH OF THE A428 AS IDENTIFIED ON THE PROPOSALS MAP (JUNCTION 18 INSET), PROVIDED THAT:

[(A) - E)] as listed.

[Proposed Changes : See Core Document No.12]

5.84 OBJECTIONS by :

2142 Abbcott Investments Ltd. et al (2143)

[See Appendices B/EM19 and C/EM20]

SUMMARY OF OBJECTIONS.

5.85 The phasing of the development under Policy EM19 whereby Phase 1 cannot start until Phase 2 is complete or, in the alternative, 1997 whichever be the later, (Abbcott Investments Ltd.).

5.86 The Local Plan cannot require the submission of an Environmental Assessment, thus Policy EM19 is not in accordance with current legislation. The reference to a 'Comprehensive Plan for the Area' indicates another document which does not form part of the Local Plan, (DoE).

5.87 The phasing requirement of Policy EM20B(III) is unnecessary as are the references to Criteria C and D which are more suited to planning conditions, (Abbcott Investments Ltd.).

5.88 Policy EM20, Criterion D restricts the flexibility of the B1 Use Class without justification; the reference to a legal agreement in Criterion E is not a land use policy but an administrative act and should be deleted, (DoE).

5.89 Environmental damage and associated detrimental effects to the sites themselves and the surrounding area will ensue. Traffic will increase to unacceptable levels on the A5, A361, A428, B4038 and the local roads adjacent to the sites with the villages of Crick, West Haddon and Kilsby particularly affected; crime will also increase. Better and more appropriate sites are available outside the District which is already over-provided with employment land. The proposals will provide a precedent for more, eventually swamping the countryside around Crick and Kilsby with industrial development. (Residents of the area).

THE ISSUE

1. Given that planning permission has been granted for the developments listed in Appendix 5 of the Council's response document, do the Council's proposed changes to the policies meet particular objections and adequately safeguard the surrounding countryside and settlements from environmental damage and other detrimental effects ?

ASSESSMENT

5.90 Objectors and the Council will understand that for the purposes of this report I must confine my recommendations to matters related to the Local Plan. In the light of the planning permissions granted, no purpose would be served in considering alternative sites or objections to the policies, per se. I am satisfied that the changes which the Council suggest meet the objections of Abbcott Investments Ltd. and the DoE except that I am with the Council in agreeing that the development must proceed comprehensively and that a prerequisite of its start should be a comprehensive plan.

5.91 There can be little doubt that development on this scale will have a considerable impact on the sites and the immediate surrounding area. The residents of the area would therefore expect that it be controlled and restrained in accordance with the Environment Policies of the Local Plan, insofar as they relate to the proposals. (I draw the Council's attention to the comments I make elsewhere in this report in response to Crick Parish Council's objection to Policy EN13 regarding the desirability of an appropriate designation of countryside around the allocated site and nearby villages).

5.92 The residents' fear that the worst effects will be manifested in unacceptable increases in road traffic is understandable; if the development is successful in attracting business to the area it could radically alter existing traffic patterns. I am encouraged, therefore, to see that the requirement for an Environmental Assessment has been retained in the proposed

changes and that a transportation study remains an integral part. But it is not clear where responsibility will rest for the direction and interpretation of such a study. The County Council is the Highway Authority and is better qualified for that role than the District Council, it would seem. Its role should be indicated, if it is to be a participant, or the mode d'emploi explained if it is not.

5.93 It is not for me to anticipate the planning obligations which might be incurred in the development of the allocated sites or how they should be met or, indeed, to comment on any agreements already entered into. But it is pertinent to note that the suggested changes give little indication of when financial contributions for local road improvements would be required of developers, what percentage of the cost of those improvements would be required of them and when those contributions would be put to their intended use. Residents and developers alike are entitled to be better informed on these matters. The second sentence of suggested paragraph 5.53 is not strictly accurate nor informative in its phraseology, ... 'before granting planning permission, the District Council will need to be convinced that traffic generated by the development can be accommodated on local roads without any undue environmental impact on local communities, this will require bypasses of Crick, etc.'... Planning permission has been granted, (if only in outline for EM20 land), while the only yardstick the developers and residents are offered by which to measure the cost and timing of relief is the Council's 'conviction'. I would urge the Council to consider more explicit advice and reassurance.

RECOMMENDATIONS.

5.94 That the Local Plan be modified by the adoption of the changes set out in Appendix 4 of Core Document No.12 except that attention be given to the matters referred to above and below, (see objections Nos. 537, 169 and 2156).

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5.95 **OBJECTION** by :

2130 Tesco Stores Ltd.

SUMMARY OF OBJECTION

5.96 Policy EM19 should be modified to make provision for additional retail development on land to the south of the Eldonwall Estate, viz :

'East of the M1, planning permission will only be granted for the development for the additional warehouse buildings as an extension to the existing depot on the Eldonwall Estate',

on the basis that there is a requirement for the extension of the Estate as a major distribution centre.

THE ISSUE

1. Whether there is a need for an additional allocation of employment land and if not, whether there are any other material considerations which would warrant its allocation ?

ASSESSMENT

5.97 The objector acknowledges that land west of the M1 Motorway is allocated for the very purposes for which an extension of the Eldonwall Estate is sought. The justification for the latter is that the inconvenience and cost of relocation could be avoided by the allocation of more land on the eastern side of the motorway. I have no doubt that there would be advantages for the objector in such an allocation if it were to accommodate any future expansion of its warehousing/distribution facilities. However, it cannot be justified in land-use terms, which is my primary consideration. The District is already well-endowed with employment land. The major development provided for by Policy EM19 adds to that provision and further strategic allocations are not required. Moreover, development on the site would take up open countryside between Crick and the M1 motorway thereby narrowing the gap between that settlement and the extensive development already present in the area.

5.98 I do not make any judgment on the economic justification which the objector claims. That is a matter for the determination of the Council in the light of the policies of this Local Plan, together with such material considerations which the objector might call in aid in seeking planning permission for the extension now sought. It is not an extension that I can recommend, given the employment land allocations already made.

RECOMMENDATIONS

5.99 That no modification be made to the Local Plan in respect of this objection.

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5.100 **OBJECTIONS by :**

537 The Baker Brothers (169)

SUMMARY OF OBJECTIONS

5.101 The objection land east of the motorway would provide a small business park of offices which would relate well to the proposed development west of the motorway. It would be complementary to the existing development and be in keeping with its scale, massing and design.

5.102 The arguments advanced for the development of the Rail Freight Terminal (DIRFT) apply to the objection land west of the motorway.

5.103 The limits of the proposed development areas, (Policies EM19 and EM20), reflect land ownership rather than need. The objection lands are an integral part of the proposed development areas; its allocation would effectively complete the development of land between the A5 and M1 Motorway.

THE ISSUES

1. Whether the objection lands meet the criteria set out in Structure Plan Policy EMP4, which permits the development of major business, industrial, storage or distribution facilities adjacent to Motorway junctions in exceptional circumstances ?

2. Whether there is a need for an additional allocation of employment land and if not, whether there are any other material considerations which would warrant its allocation ?

ASSESSMENT

First Issue : Criteria

5.104 Considerable attention has been given to the proper interpretation of Structure Plan Policy EMP 4. I have commented elsewhere in this report that there does seem to be an element of contradiction in the manner in which it was introduced as providing for very exceptional developments which nevertheless were predictable enough to find a place in the Local Plan. The only interpretation which stands scrutiny is the Council's, ie. that it was introduced to permit allocations in addition to the strategic requirement. I am content with that explanation. That small matter apart, and other than the Council's view that the topographical nature of the objection site west of the motorway would screen the allocated site, both objection sites would appear suitable for development under the criteria of Policy EMP 4 and Policies EM19 and EM20. I note the Council's opinion and acknowledge the point, but the screening effect of the western ridge is not so crucial to the landscaping requirements that it would militate against development if there were a need for more land associated with DIRFT.

Second Issue : Need and Material Considerations

5.105 There would be a case for a detailed consideration of the eastern site for allocation if there were any doubts about the allocation of the required strategic area, about the availability or the suitability of employment land allocated in the Local Plan, but there is not. I have observed more than once in this report that the District is well endowed with employment land and there would be no point in adding more at this stage of the Plan period when so much lies undeveloped. No need has been demonstrated for the eastern objection site nor have any material considerations been identified which would warrant its allocation under Policies EM19 or EM20.

5.106 As to the western side of the motorway; the criticism levelled at the Council is that the land allocated is not the product of its review of planning matters and the survey of its area, but simply a response to particular development proposals, especially that connected with the DIRFT proposals. And that the amount of land allocated was determined by reason of ownership rather than through the process of Plan making. I am sure the Council would accept that the developers were the prime movers in this case. But it would be ingenuous of the objectors to suggest that this is a rare and unacceptable occurrence or that the Council did not act reasonably in considering the proposals in the round and in allocating land on the basis of its perceived requirement.

5.107 The point at issue is whether there is a need for more land at this point in the Plan period. Neither the objectors nor the Council can be sure; they produce no factual evidence to suggest the allocation is sufficient or otherwise. The concept of DIRFT is new to this country, it has been floated on the back of improved rail connections to Europe and the opportunities for distribution services and 'value added' industries locating at this point. Continental experience of this type of development suggests that the DIRFT development might exceed present expectations, but that evidence is circumstantial, it is not material and provides no concrete basis for allocating more land.

5.108 Elsewhere in this report, (see above and objections to Policy CM6), I comment on the fact that the full consultations with other authorities, [required by Regional Planning Guidance RPG8, (paragraph 7.11)], to seek general agreement for the location of regional and national distribution centres does not seem to have taken place. More consideration of the potential for 'railhead orientated' development at Junction 18 and its effects is needed before a conclusion on how much land on the western side of the motorway should be allocated. There is conflicting evidence from the Council and other objectors about the land supply situation in the so-called 'Midland Triangle', it lacks the qualitative analysis that would emerge from the consultations required and it is difficult to draw a reasonable conclusion. Further consideration might reveal that more land is required and in that event the objection land could be usefully allocated as Phase 2 under Policy EM20.

RECOMMENDATIONS.

5.109 That the Local Plan be modified by the inclusion in Chapter 5, of an explanation of the consideration given to the provision of distribution centres in the administrative area of the District Council. This explanation to include details of the consultations carried out with other authorities.

5.110 That no modification be made to the Local Plan in respect of objections Nos.537 and 169, (The Baker Brothers), failing agreement that additional land be provided at Junction 18 but in the alternative, or pending those consultations, the objection land on the western side of the M1 motorway to be included as Phase 2, not to be developed until Phase 1 is substantially complete.

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5.111 OBJECTION by :

2156 British Telecommunications plc.

SUMMARY OF OBJECTION

5.112 The surplus 20 ha. (50 acres) objection site is well suited to accommodate motorway related development and would form a logical part of the Junction 18 development area. The land is of low grade agricultural quality and of limited landscape value. Development on the objection site would satisfy the criteria of Policy EM19 without harm to established residential communities in the area.

THE ISSUES

1. Whether the objection land meets the criteria set out in Structure Plan Policy EMP 4, which permits the development of major business, industrial, storage or distribution facilities adjacent to Motorway junctions in exceptional circumstances ?
2. Whether there is a need for an additional allocation of employment land and if not, whether there are any other material considerations which would warrant its allocation ?

ASSESSMENT

First issue : Criteria

5.113 Considerable attention has been given to the proper interpretation of Structure Plan Policy EMP 4. I have commented elsewhere in this report that there does seem to be an element of contradiction in the manner in which it was introduced as providing for very exceptional developments which nevertheless were predictable enough to find a place in the Local Plan. The only interpretation which stands scrutiny is the Council's, ie. that it was introduced to permit allocations in addition to the strategic requirement. I am content with that explanation. That small matter apart, the objection site would appear suitable for development under the relevant criteria of Policies EMP 4 and EM19.

Second Issue : Need and Material Considerations

5.114 The criticism levelled at the Council is that the land allocated on the western side of the motorway, (especially that connected with the DIRFT proposals), is not the product of its review of planning matters and the survey of its area, but simply a response to particular development proposals. And that the amount of land allocated was determined by reason of ownership rather than through the process of Plan making. I am sure the Council would accept that the developers were the prime movers in this case. But it would be ingenuous of the objectors to suggest that this is a rare and unacceptable occurrence or that the Council did not act reasonably in considering the proposals in the round and in allocating land on the basis of its perceived requirement.

5.115 The point at issue is whether there is a need for more land at this point in the Plan period ? Neither the objectors nor the Council can be sure; one analysis of available land in the 'Midland Triangle' indicates that some 940 hectares, (2330 acres), might be suitable for larger warehouse distribution units, another that 2,045 hectares and 215,000 square metres of floor space is available, but I also take the point that these figures have not been subject to the qualitative analysis required to produce a definitive figure which is relevant to any consideration of development at Junction 18.

5.116 Elsewhere in this report, (see above and objections to Policy CM6), I comment on the fact that the full consultations with other authorities, [required by Regional Planning Guidance RPG8, (paragraph 7.11)], to seek general agreement for the location of regional and national distribution centres does not seem to have taken place. More consideration of the potential for and the effects of such development at Junction 18 is needed before a conclusion on how much land on the western side of the motorway should be allocated. And, clearly, these considerations should cover the whole range of unit sizes, including the larger units which BT seek to locate on the objection site together with the requirement that they be 'railhead orientated'. At the moment, there is conflicting evidence and it is impossible to draw reasonable conclusions.

5.117 If further consideration were to reveal that more land is required, the objection site could be usefully allocated as Phase 2 in Policy EM19 or, having established the principle of land use, could be considered earlier in the development process if no alternative suitable site within land allocated as a consequence of the suggested changes were available.

RECOMMENDATIONS.

5.118 That the Local Plan be modified by the inclusion in Chapter 5, of an explanation of the consideration given to the provision of distribution centres in the administrative area of the District Council. This explanation to include details of the consultations carried out with other authorities.

5.119 That no modification be made to the Local Plan in respect of objection No.2156, (British Telecommunications plc.), failing agreement that additional land be provided at Junction 18 but in the alternative, or pending those consultations, the objection land to be included as Phase 2.

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CHAPTER 6.

6.0 RETAIL DEVELOPMENT.

6.1 OBJECTIONS by :

2042 MAFF (2044)

2098 CPRE

SUMMARY OF OBJECTIONS

6.2 The reference in paragraph 6.4 to the reuse of 'redundant' buildings in the rural settlements; PPG7 makes clear that redundancy is no longer a requirement for a building to be reused for other purposes. The phrase 'will normally be granted' should be replaced by the phrase, 'may be granted'.

THE ISSUE

1. Whether the objectors' suggested changes would more accurately reflect the aims and objectives of the Local Plan ?

ASSESSMENT

6.3 The Council's suggested change whereby the the word 'redundant' is deleted from paragraph 6.4 meets the MAFF objection; I have already indicated elsewhere in this report that the CPRE's suggested change would detract from the certainty of guidance so necessary in a Local Plan.

RECOMMENDATIONS.

- 6.4 That the Local Plan be modified by the deletion of the word, 'redundant', from paragraph 6.4.

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