



The Non-Statutory Cherwell Local Plan 2011

December 2004

Cherwell
DISTRICT COUNCIL
North Oxfordshire

STATUS OF THIS DOCUMENT

THIS NOTE SHOULD BE READ BEFORE USING THIS DOCUMENT

This document has been re-titled as “**the Non-Statutory Cherwell Local Plan 2011**” from its previous title “the Cherwell Local Plan 2011”. The reasons for this are explained in the following paragraphs.

On 13 December 2004 the Council decided to discontinue work on the draft Cherwell Local Plan 2011 and withdraw it from the statutory Local Plan process as there was no realistic prospect of it being adopted prior to Government changes to the planning system coming into force that could prevent its subsequent adoption. The Council is now preparing a Local Development Framework (LDF) under the new planning system.

In order to avoid a policy void while the LDF is being prepared, the Council also decided on 13 December 2004 to approve the draft Cherwell Local Plan 2011, from then on to be known as the Non-Statutory Cherwell Local Plan 2011, as interim planning policy for development control purposes. The text of this Plan, the Proposals Map and the Inset Maps have been updated since the production of the Revised Deposit draft September 2002 to reflect the Pre-inquiry Changes made to the Revised Deposit draft Plan, and the decisions made by the Council following consideration of the representations to the Pre-inquiry Changes. Its contents are up to date as of the 13 December 2004.

On 13 December 2004, following the consideration of all representations received to the proposed Pre-Inquiry Changes to the draft Cherwell Local Plan 2011, and the approval of further changes, Cherwell District Council resolved:

- that all work necessary to proceed towards the statutory adoption of the draft Cherwell Local Plan 2011 be discontinued and,
- that the draft Cherwell Local Plan 2011 be approved as Interim Policy for development control purposes and
- that work begins at the earliest practicable opportunity on the preparation of Development Plan Documents pursuant to Part Two of the Planning and Compulsory Purchase Act 2004 and meeting in full the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004.

The reasons why the decision to discontinue work towards the statutory adoption of the Draft Cherwell Local Plan 2011 was made are as follows:

- To avoid the commitment of resources to the remaining stages of a process that could end with a failure to adopt the draft Cherwell Local Plan 2011 as the local plan

for legal reasons due to timescales imposed by the Environmental Assessment of Plans and Programmes Regulations 2004;

- If the Draft Cherwell Local Plan 2011 were to be adopted as the local plan, by the date of the intended adoption in 2006 it would be substantially out of date, having been overtaken by the approval of the Oxfordshire Structure Plan 2016.

A detailed explanation of this decision is contained within a report to the Executive of 1 November 2004 which is available for inspection at the Council's offices at Bodicote House, Banbury Oxfordshire OX15 4AA or on the Council's website at <http://www.cherwell-dc.gov.uk>

This decision means that a public local inquiry into objections made to the draft Cherwell Local Plan 2011 will no longer take place. The policies and proposals in the draft Cherwell Local Plan 2011 have not been the subject of all of the statutory local plan preparation procedures, including the public local inquiry, and they do not therefore have statutory development plan status. However, they will be an important material consideration amongst all other relevant considerations in deciding planning applications. As stated above the draft Cherwell Local Plan 2011 has now been re-titled as "the Non-Statutory Cherwell Local Plan 2011".

The adopted Cherwell Local Plan (adopted November 1996) remains part of the statutory Development Plan for the area. Its policies will be 'saved' (i.e. they will continue to operate), except where deleted by the Local Development Scheme (LDS) (see below) or the Council's Annual Monitoring Report, until September 2007. The Secretary of State may extend the life of the saved policies beyond that date.

Since December 2004 the Council has started work on a Local Development Framework (LDF) under the Planning and Compulsory Purchase Act 2004. A Local Development Scheme (LDS) (which is part of the Local Development Framework) was produced in draft form and sent to the Government Office by the required deadline in March 2005. It sets out the Council's programme for the preparation of Local Development Documents (LDD'S), including Development Plan Documents (DPD's). The LDS is currently (June 2005) being finalised thorough discussion with the Government Office. The LDS will be amended in future, when necessary, in consultation with the Government Office.

S26 PROPOSALS THAT WILL RESULT IN THE LOSS OF AN EXISTING VILLAGE SERVICE WHICH SERVES THE BASIC NEEDS OF THE LOCAL COMMUNITY WILL NOT BE PERMITTED, UNLESS THERE IS CONCLUSIVE EVIDENCE THAT THE PROVISION OF THE SERVICE IS NO LONGER VIABLE AND THAT IT CANNOT BE MADE VIABLE.

5.107 (deleted from the Revised Deposit Draft Plan)

5.108 The District Council recognises the importance of village services, particularly the local shop and pub, to the local community and will seek to resist development that would bring about the loss of such facilities. However, it is also recognised that it will not always be possible to avoid the loss of facilities when they are proven to be no longer financially viable. When considering whether a business is financially viable, the Council will need to be satisfied that there is conclusive evidence, following genuine attempts to market the property and/or business both locally and in wider specialist publications for a reasonable length of time, and at a realistic price that there is no prospect of provision of the service continuing.