

## **Pendle Council**

**Note for Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI**

**Independent Examiner for the Colne Neighbourhood Development Plan**

## **Subject: Policy 3A of the Replacement Pendle Local Plan (2006)**

### **Background**

At the Hearing for the Colne Neighbourhood Development Plan (CNDP), held at Colne Town Hall on Wednesday 15 March 2023, the Examiner in Session 4 requested that Pendle Borough Council provide him with a note clarifying the position with regard to the current status of Policy 3A.

### **Policy 3A**

The purpose of Policy 3A of the [Replacement Pendle Local Plan 2001-2016](#) (adopted May 2006) is to provide a choice of areas for future development and to ensure protection of the Green Belt.

The policy protects land that could prejudice the open character of the area or its potential for long term development needs should it be required over the plan period. Two areas of the Borough were protected through this policy, one of which is the Upper Rough (land between castle Road and Skipton Old Road), Colne. The second at Trough Laithe, which is located off Junction 13 on the M65 motorway is now being developed for housing.

On the 21 April 2009, the Secretary of State for Communities and Local Government issued a [direction under paragraph 1\(3\) of Schedule 8 of the Planning and Compulsory Purchase Act 2004](#). This direction confirmed that all the policies in the Replacement Pendle Local Plan 2001 to 2016 are saved until such a time that they are replaced by policies in an adopted Development Plan Document.

Some of these policies have been wholly or partially replaced with the adoption of the [Bradley Area Action Plan](#) (July 2011) (as confirmed by Appendix 3) and the [Pendle Core Strategy](#) (December 2015) (as confirmed by Appendix C).

The status of Policy 3A was considered during the Appeal for a development proposal on Land East of Windermere Avenue, Colne (see [Appeal Reference APP/E2340/W/15/3131975](#)). The parties agreed, through the submission of a Statement of Common Ground, that the policy was now time expired. This matter is addressed and concluded on by the Inspector in Paragraphs 14 and 15 of his Report.

The position taken at the Appeal took account of the precise wording of the policy and its explicit reference to an end date of 2016. The policy should therefore be regarded as time expired. On this basis it no longer forms part of the statutory Development Plan for Pendle. This represents the formal position of the Council.

**Pendle Borough Council**

**16 March 2023**