



Worsthorne with Hurstwood Neighbourhood Development Plan Basic Conditions Statement

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)

April 2025

Worsthorne with Hurstwood Parish Council

With assistance from

Kirkwells
The Planning People





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1.0 Introduction

- 1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)¹ sets out that only a draft neighbourhood plan or order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

The basic conditions are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Order (or Neighbourhood Plan).
- having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the Order. This applies only to Orders.
- having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the Order. This applies only to Orders.
- the making of the Order (or Neighbourhood Plan) contributes to the achievement of sustainable development.
- the making of the Order (or Neighbourhood Plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). <https://www.gov.uk/guidance/neighbourhood-planning--2 - General-conformity-with-strategic-policies>.
- the making of the Order (or Neighbourhood Plan) does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the Order (or Neighbourhood Plan) and prescribed matters have been complied with in connection with the proposal for the Order (or Neighbourhood Plan).

- 1.2 This Basic Conditions Statement sets out how the Worsthorne with Hurstwood Neighbourhood Development Plan (WHNDP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the WHNDP Independent Examiner.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>



2.0 Legal Requirements

2.1 The Submission Plan is being submitted by a qualifying body

The Submission Plan is being submitted by a qualifying body, namely Worsthorne with Hurstwood Parish Council. The Parish Council applied to the Burnley Borough Council (BBC) for the parish council area to be designated as a neighbourhood area, this was approved on 31st March 2017². The designated Neighbourhood Area covers the full parish council area and is shown on Figure 1 of the submitted plan.

2.2 What is being proposed is a neighbourhood development plan

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 and subsequent amendments.

2.3 The proposed neighbourhood plan states the period for which it is to have effect

The WHNDP states the period for which it is to have effect. That period is from 2025-2032. The end date being the same as that for the [Burnley Local Plan](#).

2.4 The policies do not relate to excluded development

The WHNDP does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.5 The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The WHNDP relates to the designated Worsthorne with Hurstwood neighbourhood area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area. The designated neighbourhood plan area has the same boundary as that for the Parish at the time of the designation and is shown on Figure 1 in the submitted plan.

² <https://burnley.gov.uk/planning/planning-policies/neighbourhood-planning/neighbourhood-planning-worsthorne-hurstwood-neighbourhood-plan/>



3.0 Basic Conditions

Basic Condition A - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan

- 3.1 The WHNDP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, December 2024 and as amended in February 2025)³.

Achieving Sustainable Development (NPPF, section 2)

- 3.2 Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development*'. The planning system has three overarching objectives to achieve sustainable development (paragraph 8) this comprises: an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).
- 3.3 Table 1 sets out how the WHNDP delivers the 3 overarching Objectives in the NPPF:

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	WHNDP Policies and Proposals
1 An economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;	The WHNDP supports this overarching objective of the NPPF in the following ways: • Policy WHNP6 seeks to support domestic and community low carbon and renewable energy projects, these can contribute to the benefit of the local economy; and • Policy WHNP7 seeks to protect local services and facilities, including shops and public houses that perform a key economic and also social function in the area.

³ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>



NPPF Overarching Objectives	WHNDP Policies and Proposals
2 A social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;	The WHNDP includes the following policies that support the NPPF's overarching social objective: • Policy WHNP4 sets planning policy to help meet the housing needs identified for the area, including affordable housing, housing size and housing suitable for first-time buyers; • Policy WHNP6 seeks to support the development of community based low carbon and renewable energy projects. • Policy WHNP7 seeks to protect local services and facilities, including shops and public houses and allotments
3 An environmental objective to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.	The WHNDP meets the overarching national policy environmental objective through: • Policy WHNP1A sets detailed planning policy for development affecting the area's landscape; • Policy WHNP1B sets detailed planning policy for development within the neighbourhood area's two Conservation Areas; • Policy WHNP1C seeks to maintain and enhance biodiversity; • Policy WHNP2 seeks to improve design standards throughout the Worsthorne with Hurstwood neighbourhood area.



Plan Making (NPPF, section 3)

3.4 In Section 3 Plan Making, the NPPF sets out that six principles that plans should address.

Table 2 sets out how the WHNDP addresses each of these in turn.

Table 2 Plan Making

NPPF Plan Making	WHNDP
1 Be prepared with the objective of contributing to the achievement of sustainable development;	How the WHNDP meets this principle of NPPF is set out in Table 1 of this statement.
2 Be prepared positively, in a way that is aspirational but deliverable;	The WHNDP has been prepared positively and is aspirational and deliverable. This can be demonstrated in the following ways: • Policy WHNP1A – 1C seek to protect key features of the local environment – landscape, biodiversity and heritage. • Policy WHNP2 seeks to promote better design. • Policy WHNP4 seeks to influence housing mix to meet local needs; • Policy WHNP5 includes a limited number of local transport measures; • Policy WHNP6 supports development for domestic and community based low carbon energy and renewable energy projects. • Policy WHNP7 identifies for protection a range of community facilities and services.



NPPF Plan Making	WHNDP
3 Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	The WHNDP is underpinned by a significant amount of community engagement. This has been early, proportionate and has included local residents, businesses, local organisations, the Borough Council and key agencies. The submitted Consultation Statement includes a full summary of the work undertaken.
4 Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The WHNDP's policies are clearly written and unambiguous and the accompanying background/justification section sets out how decision makers should use the policies.
5 Be accessible through the use of digital tools to assist public involvement and policy presentation; and	Throughout the WHNDP's preparation, digital tools have been used. These include the Parish Council website; social media; facility to make email responses and representations with electronic attachments.
6 Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The WHNDP policies serve a clear purpose. This is set out in the background/justification accompanying each policy in the WHNDP. The WHNDP avoids duplication of policies at a national level and at the strategic level as contained in the development plan for Burnley.



The Plan Making Framework (NPPF, section 3)

- 3.5 Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The WHNDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the Burnley Local Plan.

Non-strategic policies (NPPF, Section 3)

- 3.6 Paragraph 30 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. The WHNDP does not undermine the strategic planning policies for Burnley. It seeks to set more local non-strategic policies to tackle more local issues to help retain the area's local identity and distinctiveness.
- 3.7 Paragraph 31 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Delivering a sufficient supply of homes (NPPF, section 5)

- 3.8 Paragraph 69 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The WHNDP does not include policies for the supply of new homes. Policy WHNP4 seeks to influence housing mix based on an evidenced local housing needs study.

Promoting healthy and safe communities (NPPF, section 8)

- 3.9 Paragraph 96 of NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

The WHNDP meets this section of national planning policy through Policy WHNP2 that seeks to achieve better design, by definition such design should achieve healthy, inclusive and safe places and buildings.



Promoting sustainable transport (NPPF, section 9)

- 3.10 Transport issues should be considered from the earliest stages of plan-making (Paragraph 109). This is so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Paragraph 111d of NPPF sets out that planning policies should provide for attractive and well-designed walking and cycling networks and supporting facilities such as cycle parking.

Policy WHNP5 seeks to promote sustainable transport and identifies some of measures that could deliver this. When read in conjunction with the WHNDP's design policy this will help to secure well-designed walking and cycling networks.

Achieving well-designed places (NPPF, section 12)

- 3.11 Paragraph 131 explains that creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 132 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

The WHNDP will help to achieve well-designed places through the design aspects of the policies it contains and through the plan wide design policy (WHNP2).

Meeting the challenge of climate change, flooding and coastal change (NPPF, section 14)

- 3.12 The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (NPPF, paragraph 161).

The WHNDP supports this aspect of national planning policy in several ways including through the plan's design policy (WHNP2), by protecting open spaces (WHNP3) and support for low carbon and renewable energy projects (WHNP6).



Conserving and enhancing the natural environment (NPPF, section 15)

- 3.13 Paragraph 187 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside.

The WHNDP meets this aspect of national planning policy by protecting landscape (WHNP1A), biodiversity (WHNP1C) and open land (WHNP3).

Conserving and enhancing the historic environment (NPPF, section 16)

- 3.14 Paragraph 202 advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 203 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

The WHNDP has had full regard to the area's historic environment (including listed buildings and Conservation Areas). More specifically, the WHNDP includes policy to manage development in the Worsthorne and Hurstwood Conservation Areas (Policy WHNP1B). More generally, the plan's design policy (Policy WHNP2) will help to conserve the historic environment.

Basic Condition B - Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural historic interest

- 3.15 The WHNDP took account of designated heritage assets during its preparation, including those assets listed on the National Heritage List for England.

[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].

Basic Condition C - Having special regard to the desirability of preserving or enhancing character or appearance of any conservation area

- 3.16 The neighbourhood area includes the Worsthorne and Hurstwood Conservation Areas. The implications of these designations were taken account in the preparation of the WHNDP.

[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].



Basic Condition D - Contributes to the achievement of sustainable development

- 3.17 The Submission WHNDP contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

Basic Condition E - In general conformity with strategic local planning policy

- 3.18 The Submission WHNDP is in general conformity with strategic local planning policy contained in the Burnley Local Plan. Table 3 sets out the way that the neighbourhood plan conforms to the relevant strategic planning policies in the development plan.



Table 3 General Conformity with Strategic Planning Policies in the development plan for Burnley District

WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
Policy WHNP1A – Landscape Development proposals will be expected to conserve and enhance the local landscape. Landscape impacts of planning proposals will be assessed against the following: In the Lancashire Valleys National Character Area (NCA), development proposals should seek to conserve and enhance: • The area's historic landscape features (e.g. field patterns, dry stone wall, vernacular farm buildings) and the contribution these make to the neighbourhood area's different communities' sense of place and history; • Woodlands, trees (especially veteran and ancient) and hedgerows; • The network of habitats; and • The contribution that open landscape areas make in conserving and maintaining the separation and distinctiveness of the neighbourhood area's settlements. In the Southern Pennines NCA, development proposals should: • Conserve and enhance the pastoral character of the moorland fringes, lower hills and valleys, with their mosaics of pastures and meadows, and their strong field patterns defined by drystone walls, to improve ecological networks and strengthen landscape character; and • Demonstrate how any increased recreational demand will be managed to ensure the protection of the sensitive landscape and habitats. Where an impact on a significant view is identified, applicants may have to demonstrate, through a Landscape Visual Impact Assessment, how these impacts have been identified, the degree of impact and how negative impacts can be avoided or mitigated. Proposals should avoid unnecessary light pollution to help protect the area's dark skies.	Policy NE1: Biodiversity and Ecological Networks Policy NE3: Landscape Character Policy NE4: Trees, Hedgerows and Woodland	Policy NE1 of the BLP seeks to protect a hierarchy of biodiversity sites from international to local and habitat-level. The policy also seeks to maintain ecological networks. Policy WHNP1A in seeking to protect woodland, trees and hedgerows (criterion b) and the network of habitats (criterion e) is in general conformity with BLP Policy NE1. Policy WHNP1A in seeking to conserve and enhance the local landscape is in general conformity with Policy NE3 of the BLP. Policy WHNP1A avoids duplication of policy in NE3 and provides more detailed criteria to manage development at the neighbourhood level. Policy WHNP1A is in general conformity with Policy NE4 of the BLP this seeks to avoid loss of protected trees and woodland, sets out



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
		guidance on making of Tree Preservation Orders and development management policy for on-site trees and hedgerows. Policy WHNP1A's approach in s seeking to woodland, trees and hedgerows is in general conformity with Policy NE4.
Policy WHNP1B – Worsthorne and Hurstwood Conservation Areas Development within the Conservation Areas should preserve or enhance these designated heritage assets where appropriate by retaining: • Buildings and features that link back to the area's history of agriculture, handloom, and factory weaving. • Key buildings (listed, locally listed and non-designated) clusters of historic buildings and ensuring any infill is sympathetic to the adjacent urban grain in terms of street pattern, palette of materials, detailing, scale, and massing. • Key public views of open moorland and the surrounding countryside. • Vernacular detailing. • Green spaces and mature trees. • Historic street surfaces and street furniture. • Using and re-using locally quarried sandstone or suitable alternative materials. • Ensuring building alterations are not alien or unsympathetic to the Conservation Area.	Policy HE1: Identifying and Protecting Burnley's Historic Environment Policy HE2: Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens	Policy WHNP1B in providing more detailed development management policy for the Worsthorne and Hurstwood Conservation Areas is in general conformity with the BLP policies HE1 that seeks to protect the Borough's heritage; and Policy HE2 that seeks protect designated heritage assets (including Conservation Areas).



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
Policy WHNP1C – Nature Recovery and Biodiversity Net Gain Any development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. In order to achieve this within Worsthorne with Hurstwood Parish, Biodiversity Net Gain (BNG) should be provided on site, unless it is not technically possible, in which case the priority will be off-site contributions towards improvements within the Parish. These contributions will be expected to address the Actions for Sites which support the delivery of one or more of the Five Visions for Nature’s Recovery in Worsthorne-with-Hurstwood as set out in Part 6 of “Biodiversity and nature conservation/recovery in Worsthorne-with-Hurstwood, Burnley”, September 2024. These are; • Vision 1: Wildlife sites in the parish² are being protected, conserved, enhanced, and restored towards favourable condition. • Vision 2: ‘Priority’ and ‘Irreplaceable’ habitats in the parish are being protected, conserved, and enhanced, and are becoming more resilient to pests, pathogens, and climate change. • Vision 3: ‘Noteworthy’ species in the parish are flourishing and targeted species that have become extinct have been reintroduced into suitable sites that are well managed and monitored regularly. • Vision 4: Wildlife sites, priority habitats and other habitats³ are being strengthened and reconnected in line with the Lawton principles⁴ and maximising resilience and ecosystem service benefits within Worsthorne-with-Hurstwood, adjacent parishes and the river catchments. • Vision 5: Biodiversity and nature’s recovery is involving and benefitting everyone.	Policy NE1: Biodiversity and Ecological Networks	Policy NE1 of the BLP seeks to maintain and actively enhance biodiversity in order to provide net gains where possible. Similarly, WHNP1C in seeking maintain and actively enhance biodiversity in the neighbourhood area in order to provide net gains where possible is in general conformity with BLP Policy NE1.



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
WHNP2 – Worsthorne with Hurstwood Neighbourhood Design Guide Proposals will be expected to deliver high quality, beautiful and sustainable buildings and spaces. To support all those involved in the design process (applicants, decision makers, communities), the design of new development should be informed by and respond positively to and will be assessed in relation to the guidance set out in the Worsthorne with Hurstwood Neighbourhood Design Guide. Appendix 2. Development will not be supported when it is of poor design when considered against local policy and the National Design Guide and policy.	Policy SP5: Development Quality and Sustainability Policy HS4: Housing Developments	Policy WHNP2 in seeking to deliver high quality, beautiful and sustainable buildings is an approach that is general conformity with Policy SP5 of the BLP that “seek[s] high standards of design, construction and sustainability in all types of development”. Similarly, the approach in Policy WHNP2 is in general conformity with that in Policy HS4 for new housing development that should “be high quality in their construction and design in accordance with Policy SP5.” By using the nationally supported approach of a design code the WHNDP provides more detailed local design guidance for designers and decision makers.



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
Policy WHNP3 – Separate and Distinct Settlements The following key open land areas will be retained in order to maintain the separation of the following distinct areas: • Land between Brownside in Burnley and Worsthorne (Main Village). • Land between Worsthorne (Main Village) and Hurstwood (Small Village). The open area of land between Pike Hill and Brownside, Worsthorne (Main Village) and The Bottins will also be retained in order to maintain the separation. New housing development in Worsthorne village should retain the village’s compact built form through infill development that does not lead to incursions into open countryside or ribbon development along road frontages.	Policy SP4: Development Strategy	Policy WHNP3 in seeking to maintain areas of separation between settlements is in general conformity with Policy SP4 of the BLP that sets out: “Development proposals should not lead to the coalescence of settlements.” The WHNDP in identifying specific areas where this should be avoided provides more detailed neighbourhood level policy.



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
Policy WHNP4 – Housing Need and Mix Development proposals are expected to meet the requirements of Local Plan Policy HS2: Affordable Housing Provision all private housing developments of over 10 units within the neighbourhood area should, subject to viability: • Prioritise on-site affordable housing provision. This should be a mix of First Homes, discounted market sales housing and other affordable routes to home ownership and affordable rented housing. In seeking on mix to meet the requirements of Local Plan Policy HS3 Housing Density and Mix planning proposals should include smaller (1 to 2 bedroom) dwellings that provide opportunities for First Time Buyers and residents looking to downsize. Overall housing proposals should support a suitable mix of house types and tenures in line with the conclusions and recommendations set out in the Worsthorne with Hurstwood Housing Needs Assessment (December 2023) Appendix 1 or more up to date parish housing needs assessment.	HS2: Affordable Housing Provision HS3: Housing Density and Mix	Policy WHNP4 in seeking to meet the requirements of BLP Policy HS2 provides more detailed local policy guidance based on an up to date Housing Needs Assessment. Policy WHNP4 also seeks to meet the requirements of BLP Policy HS3 on density and mix. Again, this is informed by the Housing Needs Assessment. Policy WHNP4 is in general conformity with the BLP.



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
Policy WHNP5 – Transport and Traffic The following improvements will be supported in the neighbourhood area where they are sensitively designed to avoid adverse impacts on heritage assets and their settings: • Improve public transport to and from Worsthorne on an evening and reinstate the circular bus route from Burnley Bus Station through Brunshaw, Pike Hill and Worsthorne. Review bus services generally including a potential service to Hurstwood which currently does not exist. • Apply Woonerf principles at key points in the area, Worsthorne village, Pike Hill and Brownside and in line with guidance within the Worsthorne with Hurstwood Neighbourhood Design Guide. • Improve car parking in Worsthorne village, Pike Hill and at Hurstwood that retains green spaces and meets design principles and guidance in the Worsthorne with Hurstwood Neighbourhood Design Guide. • Improve road safety in general and especially at the crossroads in Worsthorne and at the Pike Hill roundabout.	Policy IC1: Sustainable Travel Policy IC2: Managing Transport and Travel Impacts Policy IC3: Car Parking Standards	Policy WHNP5 is in general conformity with BLP policy IC1 seeks to promote sustainable and safe travel – Policy WHNP5 is in general conformity with this approach by identifying design principles (Woonerf) and road safety measures in the neighbourhood area. Policy WHNP5 also seeks to improve sustainable transport via bus to the area. The approach in Policy WHNP5 is also in general conformity with Policy IC2 and Policy IC3 that seeks to provide improved car parking in the village centre



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
WHNP6 – Renewable and Low Carbon Energy Projects Domestic and community renewable energy projects will be supported where they are in accordance with Burnley Local Plan policies HE1, HE2 and HE3 and CC1, CC2 and CC3 and guidance in the Worsthorne with Hurstwood Neighbourhood Design Guide.	Policy HE1: Identifying and Protecting Burnley’s Historic Environment Policy HE2: Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens Policy HE3: Non-Designated Heritage Assets Policy CC1: Renewable and Low Carbon Energy (not including Wind Energy) Policy CC2: Suitable Areas for Wind Energy Development Policy CC3: Wind Energy Development	Policy WHNP6 sets out within the framework of BLP policy and guidance in the Design Guide that domestic and community renewable energy projects will be supported. This approach is in general conformity with the BLP.



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
Policy WHNP7 – Community Facilities, Shops, Public Houses and Allotments There will be a presumption in favour of the protection of existing community facilities (clubs, halls, health and education facilities, libraries, and places of worship), shops (Use Class F2(a)) and public houses as identified below and on the Policies Map: • Reading Rooms • St John the Evangelist • Hurstwood Church • Worsthorne Village Store • Worsthorne Chippy • Brunshaw Pharmacy • Spar • Bay Horse • Crooked Billet • Thornton Arms • Worsthorne Primary School • Pike Hill Library • Pike Hill Post Office • Redds – Turning Heads • The Face Lab • 4 Brownside Road (formally Oddies) • 1-3 Brownside Road (formally Beauty Zone) • Kiddiwinks Day Nursery • Worsthorne Social Club	Policy IC5: Protection and Provision of Social and Community Infrastructure	By seeking to protect identified community facilities, shops and public houses the WHNDP approach is in general conformity with that contained in BLP Policy IC5 that seeks to “safeguard existing social and community infrastructure, subject to a continued need or likely future need or demand for the facility in question; and require alternative comparable or improved provision where a development scheme would result in the loss of important social and community infrastructure”. Policy WHNP7 in setting out more detailed guidance on alternative provision and evidence on demand provides more detailed local level guidance that is in general conformity with Policy IC5.



WHNDP Policies	Burnley Local Plan (BLP)	General Conformity
Where planning permission is required, the loss or change of use of local community facilities into non-community-based uses will only be supported when one of the following can be demonstrated: 1 The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or 2 Satisfactory evidence is produced that, over a minimum period of 12 months, it has been demonstrated that there is no longer a demand for the facility. Proposals for new and enhancements to existing community facilities will be supported when they are compatible with other policies in the WHNP and the Burnley Local Plan. The allotment sites identified on the Policies Map will be protected under Policy NE2: Protected Open Space of the Burnley Local Plan.		In terms of new or enhanced facilities the NDP defers to BLP policy and other policies in the NDP. Similarly, the area's allotments will be protected under BLP policy – this raises no conformity issues

Basic Condition F - Be compatible with EU obligations

- 3.19 The Submission WHNDP is fully compatible with EU obligations.
- 3.20 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).



Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment

- 3.21 To meet the ‘basic conditions’ which are specified by law, a neighbourhood development plan must be compatible with EU obligations. Furthermore, as of 9th February 2015, Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.
- 3.22 A Strategic Environmental Assessment Screening/Habitat Regulations Assessment was undertaken on the Regulation 14 Draft WHNDP (July 2024). The preliminary screening letter concluded that:

“In the light of the assessment, the Council, as the responsible authority, considers that neither a Strategic Environmental Assessment or an Appropriate Assessment is required for the proposed NDP. However, before making a formal determination on this matter, your views are invited under the above named regulations.”

3.23 Following consultation the three statutory bodies confirmed that they were in agreement with this conclusion. The updated SEA is submitted with the WHNDP.

Following consultation, the statutory bodies agreed with this conclusion.

European Convention on Human Rights

- 3.23 The Submission WHNDP is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The WHNDP has been produced in full consultation with the local community. The WHNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.
- 3.24 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.
- 3.25 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
- 3.26 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission PNDP is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the



Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

- 3.27 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for neighbourhood plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 3.28 Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Parish Council has developed the policies and proposals within the WHNDP in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

Basic Condition G - Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

- 3.31 The prescribed conditions have therefore been met in relation to the Submission WHNDP, and prescribed matters have been complied with in connection with the proposal for the Plan.

