
burnley Worsthorne with Hurstwood Neighbourhood Development Plan: Regulation 16 Publication

From [REDACTED]
Town Planning NWC <TownPlanningNWC@networkrail.co.uk>
Date Tue 13/05/2025 17:42
To Local Plan <localplan@burnley.gov.uk>

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OFFICIAL

Network Rail response on Neighbourhood Plans.

Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).

Network Rail is also a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests will need to be carefully considered.

Network Rail – railway specific advice notice to LPAs/Developers Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

Asset Protection Comments:

Developments in the policy area should be notified to Network Rail to ensure that:

- (a) Access points / rights of way belonging to Network Rail are not impacted by developments within the area.
- (b) That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.
 - Drainage works / water features
 - Encroachment of land or air-space
 - Excavation works
 - Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues
 - Lighting impacting upon train drivers' ability to perceive signals
 - Landscaping that could impact upon overhead lines or Network Rail boundary treatments
 - Any piling works
 - Any scaffolding works
 - Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s55 British Transport Commission Act 1949)
 - Any use of crane or plant
 - Any fencing works
 - Any demolition works
 - Any hard standing areas

For any proposal adjacent to the railway, Network Rail would request that a developer constructs (at their own expense) a suitable steel palisade trespass proof fence of at least 1.8m in height.

All initial proposals and plans should be flagged up to the Network Rail Town Planning at the following address:

Email: TownPlanningNWC@networkrail.co.uk

Railway Station

Consideration should be given in Transport Assessments to the potential for increased footfall at Railway Stations as a result of proposals for residential development / employment areas within the neighbourhood area. Location of the proposal, accessibility and density of the development, trip generation data should be considered in relation to the station. Where proposals are likely to increase footfall and the need for car parking, the council should include developer contributions (either via CIL, S106) to provide funding for enhancements as part of planning decisions.

Level Crossings

Developments within the neighbourhood area should be accompanied by a TS/TA which includes consideration of the impact of proposals upon any level crossings with mitigation implemented as required. We would encourage the Council to adopt specific policy wording to ensure that the impact of proposed new development (including cumulative impact) on the risk at existing level crossings is assessed by the developer(s), and suitable mitigation incorporated within the development proposals and funded by the developer(s). TS/TAs should be undertaken in conjunction with the local highways authority with advice from Network Rail. Contributions will be sought where proposals impact on level crossings to mitigate the impacts of those developments. Where level crossing closure is the only option, the applicant is advised that closure would be via s257 of the T&CPA, and that closure would be required before the occupation of any dwellings.

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From

Diane Clarke
Town Planning Technician NW&C
AssocRTPI
Network Rail
Email: TownPlanningNWC@networkrail.co.uk

From: Local Plan <localplan@burnley.gov.uk>
Sent: Monday, May 12, 2025 1:00 PM
To: Local Plan <localplan@burnley.gov.uk>
Subject: Worsthorne with Hurstwood Neighbourhood Development Plan: Regulation 16 Publication

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Dear Sir/Madam,

Burnley Council is publicising the draft Worsthorne with Hurstwood Neighbourhood Development Plan (2024-2032) for consultation for six weeks from 12 May to 23 June 2025.

Worsthorne with Hurstwood Parish Council has previously consulted on its plan, but, this final consultation on the draft plan will be led by Burnley Council and is to seek comments which will be sent to the independent examiner, as outlined in Regulation 16 of The Neighbourhood Planning (General) Regulations 2012.

The Worsthorne with Hurstwood Neighbourhood Plan sets out how Worsthorne with Hurstwood residents and businesses would like the parish to develop up to 2032. Further information about the role of neighbourhood planning can be found here [Neighbourhood planning – Burnley Council](#).

How to make a representation:

- Download, complete and return the Comments Form (<https://burnley.gov.uk/worsthornepreg16/>)
- Email localplan@burnley.gov.uk or
- Write to Planning Policy, Burnley Council, Town Hall, Manchester Road, Burnley, Lancashire. BB11 9SA.

Comments must be in writing and include your name and address. Returning a completed Comments Form by email is the Council's preferred method of receiving comments, as it will help us to handle your representation quickly and efficiently.

Please note: Responses should make clear whether you wish to remain informed over future decisions on the Neighbourhood Plan, in accordance with Regulation 16 (iv) of the 2012 Regulations.

The deadline for representations is **5PM on 23rd June 2025**.

Worsthorne with Hurstwood Neighbourhood Plan consultation documents:

- Worsthorne with Hurstwood Neighbourhood Plan (Submission Version) (the draft plan)
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment/Habitats Regulations Assessment Screening Statement: October 2024
- Parish Boundary Map
- Supporting Evidence documents

All documents can be viewed on the Worsthorne with Hurstwood Neighbourhood Plan: Regulation 16 Publication webpage. (<https://burnley.gov.uk/worsthornenpreg16/>)

The documents are also available for viewing at Pike Hill Library and Burnley Council's Contact Burnley Offices during their opening hours.

All comments will be publicly available and identifiable by name and organisation (where applicable). Please note that any other personal information provided will be processed by Burnley Council and the independent examiner in line with the Data Protection Act 1998.

What Next?

Following the end of the consultation, the neighbourhood plan documents and representations will be submitted for examination to an independent planning examiner, who will determine if the plan meets certain criteria requirements and standards.

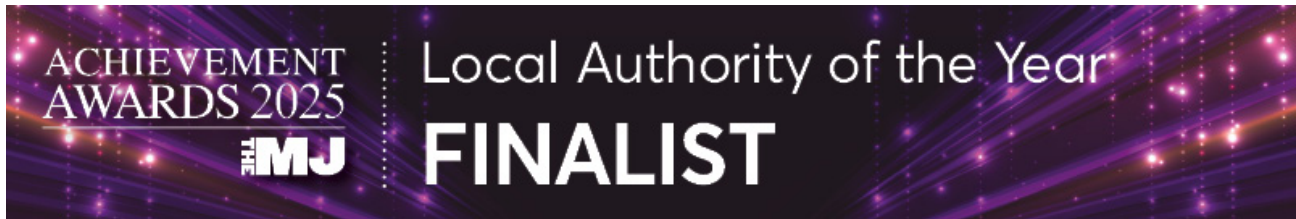
Yours faithfully,

P Milward

Principal Planner

Local Plan
Local Plan
Parker Lane

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Burnley Council, Town Hall, Manchester Road, Burnley, Lancashire. BB11 9SA

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