

Burnley Borough Council

Worsthorne with Hurstwood Neighbourhood Development Plan: Regulation 18 (2) Decision Statement

1. Introduction

- 1.1 Burnley Council (the Council) has a statutory duty to assist communities in the preparation of neighbourhood development plans.
- 1.2 Following the examination of the Worsthorne with Hurstwood Neighbourhood Plan (WHNDP), Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the Council to decide what action should be taken in response to the recommendations made by the Independent Examiner.
- 1.3 The Council must also determine whether the plan meets the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as applied by section 38A of the 2004 Act) and can proceed to referendum.
- 1.4 This Decision Statement sets out the Council's decision and the reasons for it.

2. Background

- 2.1 In December 2016, Worsthorne with Hurstwood Parish Council submitted an application requesting that Burnley Council designate the area administered by the Parish Council as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan. The area was formally designated on 31 March 2017.
- 2.2 Worsthorne with Hurstwood Parish Council prepared the pre-submission version of the WHNDP between 2017 and 2024. A public consultation, held in accordance with Regulation 14, was carried out between 1 March 2024 and 15 April 2024.
- 2.3 The submission version of the WHNDP was received by the Council on 7 April 2025 and a formal six-week public consultation, held in accordance with Regulation 16, was carried out between 12 May 2025 and 23 June 2025.
- 2.4 Mr Christopher Collison BA(Hons) MBA MRTPI MIED IHBC was appointed by the Council in June 2025 to carry out the independent examination of the submission version of the WHNDP. The examination concluded on 27th July 2025 with the receipt of the Examiner's final report.

3. Decision

- 3.1 The Examiner has concluded that, with certain modifications, the WHNDP meets the Basic Conditions and other relevant legal requirements.
- 3.2 The Council is required to consider each of the Examiner's proposed modifications to the plan and decide what action to take in response. The table

attached to this statement sets out each of the modifications and the Council's decision in respect of them.

- 3.3 On 25 September 2025, the Council accepted that, with these modifications, the WHNDP meets the Basic Conditions and legal requirements, and that no further modifications are required (See table below).
- 3.4 The WHNDP can now proceed to referendum. The Council agrees with the Examiner's recommendation that the area for the referendum should be that of the Neighbourhood Area as designated by the Council on 31 March 2017.
- 3.5 To meet the requirements of the Localism Act 2011, the Council will hold a referendum which poses the following question:

Do you want Burnley Borough Council to use the neighbourhood plan for Worsthorne with Hurstwood to help it decide planning applications in the neighbourhood area?

- 3.6 The proposed date for the referendum is **Tuesday 4 November 2025**.
- 3.7 This Decision Statement and the Examiner's Report can be viewed on the Burnley Council website: <https://burnley.gov.uk/planning/planning-policies/neighbourhood-planning/neighbourhood-planning-worsthorne-hurstwood-neighbourhood-plan/>
- 3.8 The documents are also available for inspection at the following locations during their normal opening hours:
 - Pike Hill Library; and
 - the Council's Contact Burnley Offices.

Schedule of Recommended Modifications to the Worsthorne with Hurstwood Neighbourhood Plan and Proposed Response

Paragraph / Policy	Recommended Modification	Reason for Recommended Modification	Council Decision
Parish Council Actions – pages 48 and 52	Recommended modification 1: Transfer the Parish Council Actions set out on pages 48 and 52 of the Neighbourhood Plan to a separate Appendix where it should be stated the Parish Council Actions do not form part of the statutory Neighbourhood Development Plan.	To ensure that the Parish Council Actions are adequately distinguished from the policies of the Neighbourhood Plan.	Accept Modification
Policy WHNP1A	Recommended modification 2: In Policy WHNP1A • in the second bullet point after “woodlands” insert “(especially ancient)” • in the penultimate paragraph replace the text before “demonstrate” with “Where a development is likely to have a significant negative impact on important landscape features of large-scale sweeping moorlands and ridges; or extensive areas of pastures enclosed by drystone walls; or views of predominantly gritstone settlements within narrow valleys, proposals must” • replace the final paragraph with “Development proposals must only include external lighting that is essential for the maintenance of health and safety for users of the development, and include measures to avoid light spillage beyond the development site, and beyond any plot within it, so as to avoid undue adverse impacts on dark skies.”	To avoid an inappropriate disproportionate policy burden on development proposals that will have a limited impact. So that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Accept Modification

Paragraph / Policy	Recommended Modification	Reason for Recommended Modification	Council Decision
Policy WHNP1B	Recommended modification 3: Replace Policy WHNP1B with “Development, including infill development and building alterations, within or affecting a Conservation Area should contribute to the preservation or enhancement of the Conservation Area in a manner appropriate to the significance of the following elements where affected: • listed, locally listed and non-designated buildings and features, and other buildings and features that link back to the area’s history of agriculture, handloom, and factory weaving; • the street pattern including clustering of historic buildings, and other elements of the urban grain including the palette of materials, vernacular and other detailing, scale, and massing of buildings, and historic street surfaces and street furniture; • public views of open moorland and the surrounding countryside, green spaces, and trees where they are identified in the relevant Conservation Area Appraisal; Developments should use or re-use locally quarried sandstone or suitable alternatives unless it is demonstrated this is not possible.	So that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Accept Modification
Policy WHNP1C	Recommended modification 4: In Policy WHNP1C • replace the text before the bullet points with “Development proposals should demonstrate consideration, appropriate to the scale and nature of the scheme, of the following principles identified in part 6 of ‘Biodiversity and nature conservation/recovery in Worsthorpe-with-Hurstwood,	So that the policy has sufficient regard for national policy and is in general conformity with strategic policy.	Accept Modification

Paragraph / Policy	Recommended Modification	Reason for Recommended Modification	Council Decision
	Burnley 2024” • in vision 4 delete the text after “benefits”		
Policy WHNP2	Recommended modification 5: Replace Policy WHNP2 with “All development proposals, including extension and alteration of buildings, should deliver high quality, beautiful, and sustainable buildings and spaces. To be supported proposals must demonstrate how they have been informed by and respond positively to the design guidance in Part 4 of the Worsthorne with Hurstwood Neighbourhood Design Guide 2023”	So that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Accept Modification
Policy WHNP3	Recommended modification 6: Replace Policy WHNP3 with “To be supported development proposals, that are not Local Plan allocations, must demonstrate they will not significantly adversely affect the open character of the intervening land to diminish the visual separation of: • Worsthorne (Main Village) and Brownside (in Burnley); or • Worsthorne (Main Village) and Hurstwood (Small Village); or • Worsthorne (Main Village) and The Bottins (comprising Higher Bottin Farm and Lower Bottin Farm); or • Brownside and Pike Hill (both in Burnley).” In the Policy title replace “Settlements” with “Communities” and adjust the Index page of the Neighbourhood Plan accordingly.	So that the policy recognises Local Plan allocations. To make it clear it is not seeking to prevent all development within the identified settings but is seeking to avoid significant adverse visual effect on open land character, which in turn will ensure the named built areas will maintain their distinctive character and separate identities adjoining countryside.	Accept Modification

Paragraph / Policy	Recommended Modification	Reason for Recommended Modification	Council Decision
		So that the policy is in general conformity with the strategic policies of the Development Plan, and has sufficient regard for national policy, and is clearly written and unambiguous as required by paragraph 16 of the Framework.	
Policy WHNP4	Recommended modification 7: Replace Policy WHNP4 with “Housing development proposals that demonstrate the mix of house types and tenures will contribute to meeting local housing needs identified in the Worsthorne and Hurstwood Housing Needs Assessment December 2023, or more recent parish assessment of housing needs, will be supported. Development proposals for smaller, one- or two-bedroom dwellings, will be supported.”	So that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Accept Modification
Policy WHNP5	Recommended modification 8: In Policy WHNP5 delete the first bullet point and transfer the text to the Appendix referred to in my recommended modification 1. Add a footnote to explain the term Woonerf principles.	So that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Accept Modification

Paragraph / Policy	Recommended Modification	Reason for Recommended Modification	Council Decision
Policy WHNP6	Recommended modification 9: In Policy WHNP6 after “guidance in” insert “Part 4.6 Sustainability and Climate Change of”	To more specifically refer to the relevant part of the Design Guide so that the policy is “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Accept Modification
Policy WHNP7	Recommended modification 10: Replace Policy WHNP7 with “Development proposals resulting in the loss of the community facilities and services listed below will only be supported where the proposals: • will result in equivalent or enhanced facilities or services of the same type, including adequate car parking spaces, in no less accessible location for users; or • demonstrate, through satisfactory marketing evidence over a minimum period of 12 months, there is no longer a demand for the facility or service. Proposals for new or enhanced community facilities or services will be supported where they are compatible with the other Policies of the Neighbourhood Plan and the Burnley Local Plan.” Continue the list of facilities and services adding “Existing allotment sites” to the list. Modify the Policy title to “Policy WHNP7 - Community Facilities and Services” and adjust the Index page of the Neighbourhood Plan accordingly	So that the policy is “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Accept Modification

Paragraph / Policy	Recommended Modification	Reason for Recommended Modification	Council Decision
Annex: Minor Corrections to the Neighbourhood Plan	Recommended modification 11: Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.	To achieve consistency with the modified policies; to achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.	Accept Modifications