

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 14th December 2023

TITLE: Proposed Stopping Up of No Longer Necessary
Highway at Bolton's Court and Swallow Drive,
Blackburn

WARD: Blackburn Central **COUNCILLORS:** Samim Desai
Mahfooz Hussain
Zamir Khan

1.0 PURPOSE OF THE REPORT

The purpose of the report is to seek committee approval to progress an Order for the Stopping Up of sections of highway at Bolton's Court and Swallow Drive, Blackburn which are no longer necessary. It is requested that Members authorise the Deputy Director, Legal & Governance to progress the necessary legal order and to apply to the Magistrates' Court to confirm the stopping ups.

2.0 BACKGROUND AND DETAILS

The council have recently progressed two highway schemes to the north of Blackburn town centre; a new link road from the Mall Car Park through to Barbara Castle Way and a new car park at Blakewater Lodge, Whalley Range.

The new link road from the Mall car park was constructed along the line of the existing footpaths at Bolton's Court which were subsumed into the scheme. The new link road is dedicated as new adopted highway and the stopping up of these footpaths can be viewed as an administrative exercise to clear up the adoption records.

Planning approval was given in 2018 for the demolition of the Blakewater Lodge Rest Home on Swallow Drive. This was subsequently carried out and the council have recently constructed the Blakewater Lodge Car Park on the site to serve the adjacent Whalley Range shopping area. The vehicular access road to the front and pedestrian access path to the rear of the former care home were both adopted highways which were not stopped up as part of the demolition scheme. These have now been incorporated along with three other small adopted areas into the new car park scheme and therefore require to be legally stopped up as they are no longer available as highway.

Plans showing the proposed areas to be stopped up are attached to this report.

3.0 LEGAL

The relevant legislation is the Highways Act 1980, Section 116. Under this section power is vested in the Magistrates' Court to authorise a highway to be stopped up if they think fit that it is unnecessary.

4.0 IMPLICATIONS

Customer	None
Financial	The costs of progressing the order will be met by the relevant projects.
Anti-poverty	None
Crime and Disorder	None

5.0 CONSULTATION

All statutory consultation required under S 116 of the Highways Act 1980 will be carried out should members approve to proceed with a stopping up order.

6.0 RECOMMENDATION

It is the officer's recommendation that Committee authorise the Deputy Director of Legal & Governance to progress with the closure of the the highways described above and shown on the attached plans and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates' Court for the necessary Order.

6.0 BACKGROUND PAPERS: Attached Stopping Up Plans

7.0 CONTACT OFFICERS: George Bell

8.0 DATE PREPARED: 9th November 2023