



# EXECUTIVE BOARD DECISION

**REPORT OF:** Executive Member for Growth and Development

**LEAD OFFICERS:** Director of Growth and Development

**DATE:** 8<sup>th</sup> August 2019

**PORTFOLIO/S AFFECTED:** Growth and Development

**WARD/S AFFECTED:** Audley and Queens Park, Blackburn Central, Blackburn South and Lower Darwen, Blackburn South East

**KEY DECISION:** YES  NO

**SUBJECT:** Local Growth Fund 3 – Blackburn South East Side Roads Orders

## 1. EXECUTIVE SUMMARY

To seek the approval of the Executive Board for the making of the Side Roads Orders (SROs) under sections 14, 124, 125, 126 and 129 of the Highways Act 1980 (as amended) in order to deliver highways infrastructure associated with the Local Growth Fund 3 Blackburn South East major transport project in the Haslingden Road and Blackamoor Road / Roman Road areas of Blackburn with Darwen.

## 2. RECOMMENDATIONS

Subject to the classification application to the Department for Transport for the new lengths of road, and upon being satisfied that:

- a) It is necessary in relation to the classified roads to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the classified roads or will be affected by the construction or improvement of the classified roads, or to construct a new road or means of access;
- b) In relation to any road that is stopped up that another reasonable convenient route is available or will be provided before any highway is stopped up;
- c) existing rights of access need to be extinguished and new rights over land need to be created, but that in relation to the stopping up of any private means of access that either no other means of access is reasonably required or that another reasonable current means of access is available or will be provided before the means of access is stopped up;
- d) the proposed SROs will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- e) there are sufficient funds available to implement the SROs and to stop up, divert, improve, raise, lower or otherwise alter the highways or to construct new highways or new means of accesses;
- f) the SROs comply with the Council's Local Plan and Local Transport Plan 3 policies;
- g) there is a compelling case in the public interest as the interference with Human Rights involved is proportionate in the interests of bringing about the improvements that would follow from the carrying out of the highway works;
- h) land affected by the SROs is reasonably required for the purposes of the SRO schemes underpinning the Orders and to carry out the highways works;
- i) that no impediments exist to the implementation of the schemes (subject to the making of the orders) and there is a reasonable prospect of its implementation should the orders be made.

It is recommended that:

1. The support of the Council for the construction of new highways infrastructure in Haslingden Road and Blackamoor Road / Roman Road areas of Blackburn with Darwen as indicated on General Arrangement Drawings (see appendix 1, 2, 3) CS094960 (3 of 3) and (see appendix 4) CS097547 (1 of 1) is reaffirmed
2. The Director of HR, Legal and Governance be authorised to prepare two Side Roads Orders as indicated in drawing numbers (see appendix 5, 6, 7, 8 and 9) CS094960 (3 of 3) and CS097547 (2 of 2) for the purposes of:
  - a) constructing new highways infrastructure and the improvement of existing highways
  - b) the provision of new forms of access to premises
  - c) the stopping up of highways and existing means of access
  - d) the use by the Council of new rights in relation to the construction, improvement and maintenance of the improved highways;
3. The Director of HR, Legal and Governance be authorised to take all steps necessary for the confirmation of the SROs, including the publication and service of all statutory notices and the presentation of the Council's case at any public inquiry or other hearing, and
4. The Director of HR, Legal and Governance be authorised (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Orders) to confirm the Orders, if he is satisfied that it is appropriate to do so
5. The Director of HR, Legal and Governance be authorised in consultation with the Director of Growth and Development to make deletions from, and/or minor amendments, and modifications to the proposed SROs and Order Plans including where appropriate amendments and modifications to achieve the withdrawal of any objections to the Orders
- 6 The Director of HR, Legal and Governance be authorised in consultation with the Director of Growth and Development to make applications to amend the planning applications/permissions where necessary to accord with any amendments and modifications to the Orders and Plans.

### **3. BACKGROUND**

The Council's Executive Board of 8<sup>th</sup> March 2018 approved the progression of the Growth Deal 3 Pennine Gateways project for delivery from April 2018 to March 2021.

The project consists of three infrastructure packages:

- Furthergate: Completion of the Burnley Road Link Road from Red Lion Roundabout to Gorse Street and a new signalised Gorse Street junction. This project package is now substantially complete and the Link Road named "Carl Fogarty Way" was opened to the public on 26<sup>th</sup> June 2019.
- North Blackburn: Brownhill Roundabout upgrade, Pleckgate Road / Ramsgreave Drive junction improvements plus Whalley Old Road / Whitebirk Drive junction capacity upgrade. This project package commenced on site in March 2019 with works at Brownhill and Pleckgate at an advanced stage and Whalley Old Road commenced.
- South East Blackburn: Haslingden Road highway improvements including widening and upgraded roundabouts at major access points plus a new link road to link Blackamoor Road with Roman Road.

The wider Pennine Gateways project has been approved in principle by the Lancashire Enterprise Partnership (LEP) for funding, and was given "Programme Entry" in Spring 2017 as part of Central Government's Growth Deal 3 announcement. The Furthergate and North Blackburn elements have been Fully Approved by the LEP. For more details visit the following webpages:

<https://lancashirelep.co.uk/key-initiatives/transport/>

### **4. KEY ISSUES & RISKS**

The Pennine Gateways project will deliver key transport infrastructure improvements at three of the main gateways into Blackburn with Darwen off the M65 motorway at junctions 4, 5 and 6. Investment

at these adjoining gateways will extend the concept of the Hyndburn – Burnley – Pendle Growth Corridor to the M65 Growth Corridor and will release the potential of a number of adjacent strategic sites to attract and accelerate new development opportunities. Major transport improvements will act as a catalyst for new housing and commercial development, contributing to the delivery of the Council's adopted Local Plan targets for new homes, businesses and jobs.

The Haslingden Road corridor is a major gateway into Blackburn with Darwen linking Blackburn Town Centre and the Strategic Road Network at M65 Junction 5. It currently suffers from significant levels of congestion in peak periods, and sites along and adjacent to the corridor are in the process of being developed, mainly for employment purposes. The Side Roads Order for Haslingden Road will enable the delivery of an improved traffic system increasing capacity for all traffic, improved facilities for public transport, and enhanced provision for pedestrians and cyclists.

Roman Road / Blackamoor Road lies adjacent to a major established employment area and also a number of housing and employment sites designated within the Council's Local Plan (adopted December 2015). The Side Roads Order will facilitate the construction of a new highway linking Roman Road with Blackamoor Road, which will enable development of allocated development sites and also amendments to the Blackamoor Junction which will improve traffic conditions, air quality and also accessibility for pedestrians and cyclists.

The South East Blackburn project package is the last and largest of the three Pennine Gateways packages and will enable the delivery of the following:

- The widening of Haslingden Road between Guide and Royal Blackburn Hospital to three and four lanes
- Upgraded roundabouts at major access points on Haslingden Road including Shadsworth Road and Royal Blackburn Hospital
- Blackamoor Link Road: including two new junctions at Roman Road and Blackamoor Road plus a new stretch highway linking Blackamoor Road with Roman Road

The project will:

- Improve congestion on the Haslingden Road corridor to / from Royal Blackburn Hospital and M65 Junction 5
- Improve air quality at Blackamoor Junction (which is a designated Air Quality Management Area)
- Enable further development of employment opportunities on allocated sites
- Support future housing growth in the Borough on allocated sites

The scheme is expected to support the development of nearly 1200 housing units and over 130,000 square feet of employment land in South East Blackburn as well as preventing the deterioration of air quality at the local Air Quality Management Area site at Blackamoor.

The improved highway network will be able to cope with the expected increase in traffic and trip generation following the development of all Local Plan housing and employment site allocations across Blackburn with Darwen.

To ensure the expeditious implementation of the Local Growth Fund 3 South East Blackburn project package, the Council now wishes to progress the Side Roads Orders for the:

- Haslingden Road widening
- Blackamoor Road / Roman Road Link Road

The SROs will interfere with rights under the Human Rights Act 1998 and in particular with Article 1 of the First Protocol to the incorporated Convention, which deals with property rights. The Council is aware that there will be some interference with rights, but is satisfied that this is necessary and that the interference is proportionate and justified considering the benefits the project will bring to the Borough.

The following provides greater detail on the proposed SROs for Haslingden Road and Roman Road / Blackamoor Road

### **SRO Number 1: Haslingden Road:**

For more details please see the accompanying documents:

Appendix 5: SRO Haslingden Road (1 of 3), Drawing CS094960-CAP-HGN-01-DR-CH-0012

- New entrance to Royal Blackburn Hospital at Old Bank Lane / Haslingden Road – creation of new highway
- New access created on the Southern side of Haslingden Road, South West of Nursing Home
- New access created on the Southern side of Haslingden Road, South East of Nursing Home
- Highway improved on the Northern side of Haslingden Road between Old Bank Lane and Royal Blackburn Hospital main entrance

Appendix 6: SRO Haslingden Road (2 of 3), Drawing CS094960-CAP-HGN-01-DR-CH-0013

- Widening of highway between Royal Blackburn Hospital main entrance and Eurogarages HQ Entrance

Appendix 7: SRO Haslingden Road (3 of 3), Drawing CS094960-CAP-HGN-01-DR-CH-0014

- Widening of highway on the Northern side of Haslingden Road between Eurogarages HQ Entrance and Beehive roundabout

### **SRO Number 2: Blackamoor Road / Roman Road:**

Appendix 8: SRO Blackamoor Road (1 of 2), Drawing CS097547-CAP-HGN-01-DR-CH-0001

- Creation of new highway between Roman Road and Blackamoor Road and new signalised junction on Roman Road
- Highway to be stopped-up at Blackamoor Junction (Blackamoor Road arm) – alternative route via the newly created highway link

Appendix 9: SRO Blackamoor Road (2 of 2), Drawing CS097547-CAP-HGN-01-DR-CH-0002

- Creation of new highway between Roman Road and Blackamoor Road and stopping up of element of the existing Blackamoor Road, to be replaced by new highway and priority give way junction.

Before the Council “makes” the SROs, the Secretary of State has to agree the classification for the new roads. An application for classification will be made to the Department of Transport for the new lengths of road and the classifications should be approved later in 2019.

Before any highway is stopped up the Council needs to demonstrate that another reasonable and convenient route is available or will be provided before the stopping up takes place. The roads to be stopped up are identified above together with alternative routes.

If existing rights of access need to be extinguished and new rights over land need to be created, then in relation to the stopping up of any private means of access that either no other means of access is reasonably required or that another reasonable current means of access is available or will be provided before the means of access is stopped up. See details above.

That the proposed SROs will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area. See details above.

There are sufficient funds available to implement the SROs and to stop up, divert, improve, raise, lower or otherwise alter the highways or to construct new highways or new means of accesses. See

section 6 “Financial Implications” of this report.

Where planning permission is needed for the construction of a new road then the Secretary of State will not confirm a SRO until Planning Permission is granted. The proposed SROs comply with the Council’s adopted Local Plan policies and the Local Transport Plan 3 Strategy and Planning Permission for both elements of the project is being progressed in parallel.

That there is a compelling case in the public interest, as the interference with Human Rights involved, is proportionate in the interests of bringing about the improvements that would follow from the carrying out of the highway works and the Local Growth Fund 3 scheme.

That there are no impediments exist to the implementation of the schemes other than the making of the orders, so there is a reasonable prospect of the schemes and SROs being implementation if made and confirmed.

Further reporting will be made via the Executive Member for Growth and Development, relating to the application for Full Approval of the scheme to the Lancashire Enterprise Partnership in Autumn 2019.

## **5. POLICY IMPLICATIONS**

The Council acknowledges the benefits of ensuring the delivery of major infrastructure projects for economic, environmental and social outcomes. Major transport projects are also essential to delivering the Council’s corporate objective to support economic growth in the Borough.

The Growth Deal 3 South East Blackburn project package will:

- Enable better access to employment and housing opportunities
- Release land and help create new development sites and premises
- Improve local transport conditions through improved infrastructure

The South East Blackburn scheme directly accords with the Local Transport Plan 3 2011 – 2021 Strategy and strategic objectives to:

- Support the economy
- Tackle climate change
- Increase safety and security
- Promote equality of opportunity
- Promote quality of life, health and the natural environment.

The scheme also contributes to the LTP3’s cross cutting priority, to promote the management of the Council’s transport assets.

## **6. FINANCIAL IMPLICATIONS**

The total project cost is currently estimated at £11.4m, with £8.89m of funding to be drawn down from Growth Deal 3 via the LEP. The £2.51m local contribution will come from the Council’s Local Transport Plan and is profiled as follows:

Costs are total costs and comprise the following:

- Construction costs (pre-construction estimates)
- Statutory diversion works costs
- Surveys
- Property acquisitions and accommodation works
- Professional design, commissioning and supervision fees

	2019/20	2020/21	2021/22	Total
Local Transport Plan	£0.5m	£1.01m	£1m	£2.51m
Lancashire Enterprise Partnership		£8.89m		£8.89m
Total	£0.5m	£9.9m	£1m	£11.4m

The project is proposed to be delivered on a phased basis, to be determined through the procurement and commissioning process.

The programme will be closely monitored to ensure full spend and any further variations or amendments will be reported via the Executive Member for Regeneration and Executive Board.

## 7. LEGAL IMPLICATIONS

Highways Act 1980 Section 14 gives powers to the Highways Authority as regards roads that cross or join a classified road:

- a) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters a classified road and
- b) to construct a new highway

Highways Act 1980 Section 124, 125, 126 and 129 provides powers as regards stopping up private means of access to highways is likely to cause a danger or interfere with traffic on a highway and provides for alternative means of access to be provided.

The SROs will be advertised by notice under the provisions of the Highways Act 1980 Schedule 1 for a period not less than 6 weeks.

## 8. RESOURCE IMPLICATIONS

Officer time to deliver the project package will be met by existing Council resources. All professional fees will be met from allocations detailed, and staff time met from existing resources.

The Side Roads Order process could lead to a potential public inquiry which could involve significant levels of Council Officer time, as well as other resources. This work will be funded through the project and existing resources.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 10. CONSULTATIONS

The Council's website has hosted a dedicated information portal for the project at: <https://www.blackburn.gov.uk/transport-and-travel/transport-and-streets-policies-and->

[strategies/transport-infrastructure-growth](#)

The LEP has published information on the Growth Deal 3 project via:

<https://lancashirelep.co.uk/key-initiatives/transport/>

Consultations have taken place in relation to Blackamoor Air Quality Management Area and details can be found via:

<https://www.blackburn.gov.uk/environment/pollution/air-quality>

Two exhibition events have taken place in relation to the South East Blackburn project package at the following times and locations:

Venue: Innovation Centre, Evolution Park, Haslingden Road, BB1 2FD on Tuesday 29<sup>th</sup> January 2019  
4pm to 7pm

Venue: St James' Church Hall, Stopes Brow, Lower Darwen, Bb3 0QP on Thursday 7<sup>th</sup> February 2019  
4pm to 7pm

These events were drop-ins and were designed for residents and businesses to air views on the project, provide comments, and to query points of detail on the proposed plans. The events were well attended with approximately 300 people present across the two evenings.

Further statutory consultations will follow on in relation to the applications for Planning which will be submitted on the 9<sup>th</sup> September 2019.

#### **11. STATEMENT OF COMPLIANCE**

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

#### **12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	0.01
<b>CONTACT OFFICER:</b>	Mike Cliffe, Strategic Transport Manager, ext 5310
<b>DATE:</b>	12 <sup>th</sup> July 2019
<b>BACKGROUND PAPER:</b>	8 <sup>th</sup> March 2018 Executive Board paper: Growth Deal 3 – Pennine Gateways Project update