

**RAIL CROSSING DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER**

**HIGHWAYS ACT 1980 S119A and WILDLIFE AND COUNTRYSIDE ACT
1981S53A(2)**

**THE BOROUGH COUNCIL OF BOLTON (PUBLIC FOOTPATHS NOS. 008 AND
012 KEARSLEY) PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP AND
STATEMENT MODIFICATION ORDER 2015**

This Order is made by the Borough Council of Bolton ('the Authority') under Section 119A of the Highways Act 1980.

This Order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the Authority that the Definitive Map and Statement of the Public Rights of Way for the Authority requires modification in consequence of the occurrence of an event specified in Section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of highways shown or required to be shown in the map and statement.

The footpaths described in Part 1 of this order in the Authority's area cross a railway otherwise than by a tunnel or bridge. It appears to the authority that it is expedient in the interests of the safety of members of the public using or likely to use the said footpaths that they should be diverted onto land owned by Network Rail, as described in the Schedule.

The Authority have required the operator of the railway to enter into an agreement to defray any compensation that becomes payable in consequence of (1) the coming into force of this order and (2) any expenses that are incurred in the erection or maintenance of barriers and signs and bringing the new site of the footpaths into a fit condition for use by the public.

BY THIS ORDER:

1. The public rights of way over the land situated east of Clammerclough Tunnel, Kearsley, shown by continuous bold lines on the plan 1Ker012-008 The Plan attached to this order and described in Part 1 of the Schedule hereto shall be diverted and thereupon the Definitive Map and Statement of Public Rights of Way for the Authority shall be modified as provided below on the later of the following events:
 - a. The date of first publication of confirmation of this Order
 - b. The date that the Authority certifies that all necessary works to bring the footpaths described in Part 2 of the Schedule into a fit condition for use have been completed.

2. There shall be created to the reasonable satisfaction of the Authority alternative footpaths for use as replacements for the said footpaths as

provided in Part 2 of the Schedule to this Order subject to the following: namely: the operator of the railway crossed by the footpaths described in paragraph 1 shall construct a footbridge across the railway to the satisfaction of the authority and that it is constructed so as to be in a fit condition for use by the public and there is an agreement in place with the railway operator and their successors in title to maintain the bridge so as to be in a fit condition for use by the public ever after.

3. The Definitive Map and Statement of the Public Rights of Way for the Borough Council of Bolton shall be modified as described in Part 3 of the Schedule.
4. Where immediately before the date on which the public footpaths are diverted any statutory undertakers had existing rights of access to and egress from any apparatus and plant accessible only from the right of way described in Part 1 such undertakers will continue to have such rights.

SCHEDULE

PART 1

Description of site of existing path or way

Public Footpath No. 012 Kearsley situated east of Clammerclough Tunnel, Kearsley, commencing from point A at grid reference SD 374961 405597 in a generally north-east by easterly direction to point B at grid reference SD 374973 405603 as shown by the continuous bold line on the Order Plan 1Ker012-008 The Plan over a total distance of approximately 14 metres of a width of approximately 1.5 metres.

Public Footpath No. 008 Kearsley situated east of Clammerclough Tunnel, Kearsley, commencing from Public Footpath Kearsley 012 at point A at grid reference SD 374961 405597 in a generally north-westerly direction to point L at grid reference SD 374933 405617 as shown by the continuous bold line on the Order Plan 1Ker012-008 The Plan over a total distance of approximately 34 metres of a width of approximately 1.5 metres.

PART 2

Description of site of new path or way

Public Footpath No. 012 Kearsley situated east of Clammerclough Tunnel, Kearsley, commencing at point B at grid reference SD374973 405603 in a generally north-westerly direction for a distance of approximately 7 metres to point C at grid reference SD 374968 405617 then running in a generally north-north westerly direction for a distance of approximately 4 metres to point D at grid reference

SD374966 405611 then running in a generally north-westerly direction for a distance of approximately 12 metres to point E at grid reference SD374958 405619 to cross a footbridge over the railway, initially by 2 flights of 17 steps running in a generally north-westerly direction for a distance of approximately 15 metres to point F at grid reference SD374947 405629 then running in a generally south-west by southerly direction for a distance of approximately 17 metres to point G at grid reference SD374936 405616 then running in a generally south-easterly direction for a distance of approximately 15 metres utilising 2 flights of 17 steps to point H at grid reference SD374948 405606 then running in a generally south-easterly direction for a distance of approximately 4 metres to point I at grid reference SD374951 405603 as shown by the bold black dashes on the Order Plan 1Ker012-008 The Plan over a total distance of approximately 74 metres at a width of 2 metres throughout. Between points B-C-D-E and H-I, the path will lead over a stone surface.

Public Footpath No. 008 Kearsley situated east of Clammerclough Tunnel, Kearsley, commencing at point A at grid reference SD374961 405597 in a generally north-west by westerly direction for a distance of approximately 11 metres to point I at grid reference SD374951 405603 then running in a generally south-west by southerly direction for a distance of approximately 3 metres to point J at grid reference SD374949 405601 then running in a generally north-westerly direction for a distance of approximately 20 metres to point K at grid reference SD374933 405615 then running in a generally north-north-westerly direction for a distance of approximately 2 metres to point L at grid reference SD374933 405617 as shown by the bold black dashes on the Order Plan 1Ker012-008 The Plan over a total distance of approximately 36 metres at a width of 2 metres throughout over a stone surface.

The owner whose land is affected by this order is Network Rail, Square One, 4 Travis Street, Manchester, M1 2NY

PART 3

Modification of Definitive Statement Particulars to be varied within the definitive statement

District: Kearsley

Path/Way Number: Public Footpath Ker012

Particulars to be varied:

Replace "Over railway connecting 8 and 11" **with** "Starting from its junction with public footpath Kearsley 011 and running in a generally west by northerly direction between fencing to grid reference SD374973 405603 then running in a generally north-westerly direction for a distance of approximately 7 metres, then in a generally north-north-westerly direction for a distance of approximately 4 metres, then in a generally north-westerly direction for a distance of approximately 12 metres to grid reference SD374958 405619 to cross a footbridge over the railway, initially by 2 flights of 17 steps in a generally north-westerly direction for a distance of approximately 15 metres, then in a generally south-west by southerly direction for a distance of approximately 17 metres, then in a generally south-easterly direction for

a distance for approximately 15 metres utilising 2 flights of 17 steps to grid reference SD374948 405606, then in a generally south-easterly direction for a distance of approximately 4 metres to its end at its junction with public footpath Kearsley 008 at grid reference SD374951 405603".

Width: Between grid reference SD374973 405603 and SD374951 405603; 2 metres throughout.

Surface Type: Between grid reference SD374973 405603 and SD374958 405619 and between grid reference SD374948 405606 and SD374951 405603; stone.

District: Kearsley

Path/Way Number: Public Footpath Ker008

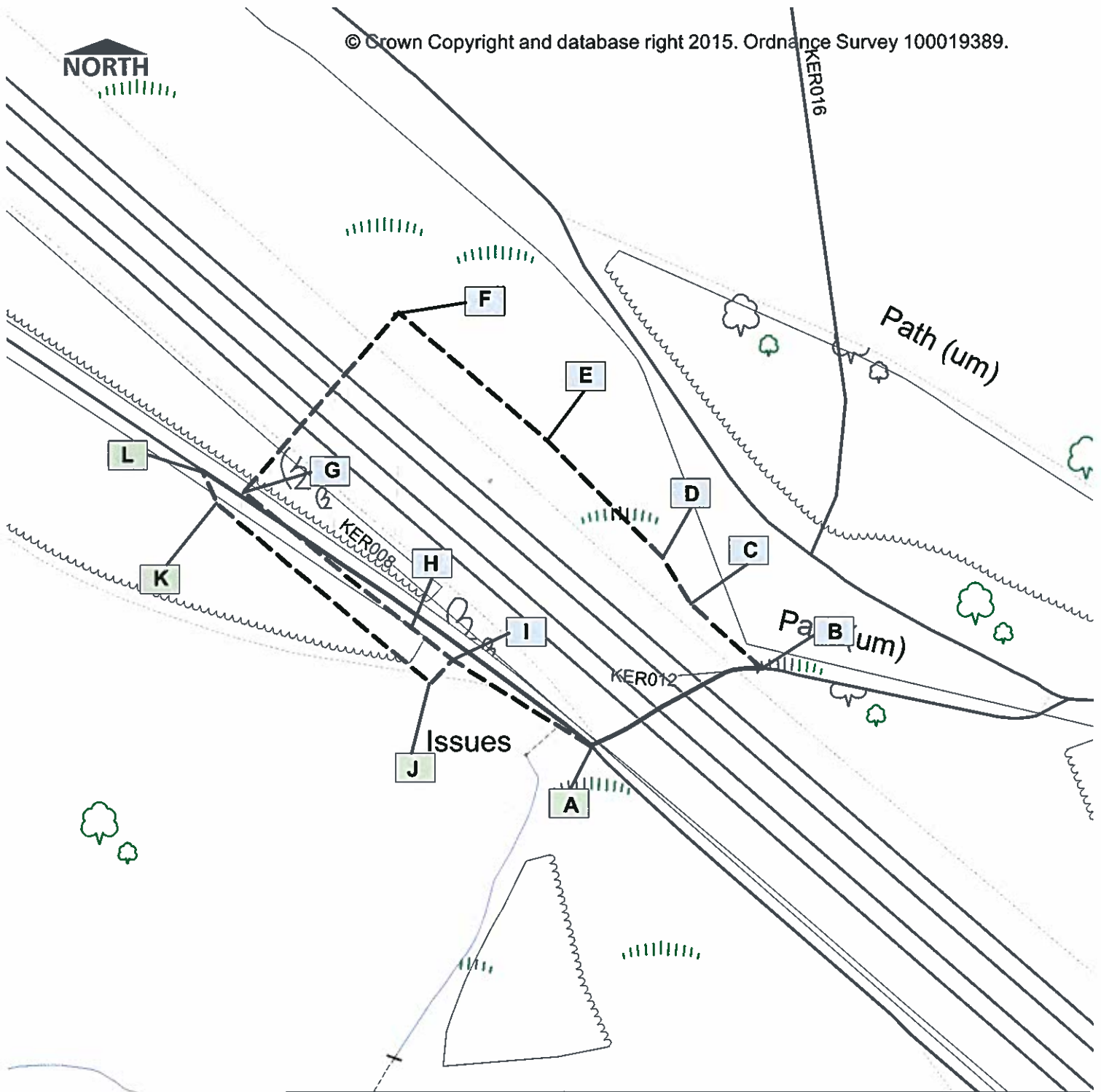
Particulars to be varied:

Replace "From Church Road near junction with Dorning Street to Stoneclough Road via south side of Kearsley Station" **with** "Commencing from Stoneclough Road at grid reference SD375267 405305 and running in a generally north-westerly direction via south side of Kearsley Station to grid reference SD374961 405597, then in a generally north-west by westerly direction for a distance of approximately 11 metres to its junction with public footpath Kearsley 008 at grid reference SD374951 405603, then in a generally south-west by southerly direction for a distance of approximately 3 metres, then in a generally north-westerly direction for a distance of approximately 20 metres with bridge on its north eastern side, then in a generally north-north - westerly direction for a distance of approximately 2 metres to grid reference SD374933 405617, then in a generally north-west by westerly direction with the railway line on its north-eastern side to its end at Church Road near junction with Dorning Street".

Width: Between grid reference SD374961 405597 and SD374933 405617; 2 metres throughout.

Surface Type: Between grid reference SD374961 405597 and SD374933 405617; stone.

NORTH



| KEY | |
|-----|---|
| | Restricted Byway |
| | Bridleway |
| | Footpath |
| | Public Footpath Kearsley 012 to be diverted (A-B) |
| | Public Footpath Kearsley 008 to be diverted (A-L) |
| | Public Footpath Kearsley 012 diversion line (B-C-D-E-F-G-H-I) |
| | Public Footpath Kearsley 008 diversion line (A-I-J-K-L) |



HIGHWAY AND ENGINEERING DELIVERY SERVICES PUBLIC RIGHTS OF WAY

THE BOROUGH COUNCIL OF BOLTON
Public Footpaths Kearsley 012 & 008 Diversion Order (part)
Section 119A Highways Act 1980

ENVIRONMENTAL SERVICES
Malcolm J. Cox, MBA, BSc, C Eng, MICE
Director of Environmental Services
The Wellsprings, Civic Centre, Bolton, BL1 1US

| Date | Scale | Drawn | Drg. No. |
|------------|-------|-------|----------------------|
| 07/07/2015 | 1:400 | AS | 1Ker012-008 The Plan |

THE COMMON SEAL of **THE BOROUGH**
COUNCIL of **BOLTON** was hereunto affixed
on the 12th day of August 2015 in the presence of:

Aileen Gorman

Authorised Sealing Officer



SEALING NO.
18933