

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)**

**THE BOROUGH COUNCIL OF BOLTON (PUBLIC FOOTPATH NO. 060
HORWICH) PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP AND
STATEMENT MODIFICATION ORDER 2015**

This Order is made by the Borough Council of Bolton under Section 257 of the Town and Country Planning Act 1990, because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out (in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990) namely: re-profiling and stabilisation works of the north-eastern face of Montcliffe Quarry, Horwich to alleviate health and safety concerns identified through a quarry regulations appraisal (Planning Permission 93076/14)

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 Borough Council of Bolton require modification in consequence of the occurrence of an event specified in Section 53(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway hitherto shown or required to be shown in the Definitive Map and Statement.

BY THIS ORDER:

1. The public footpath over the land shown by a bold black line on the attached plan and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted and the Definitive Map and Statement of the Public Rights of Way for the Borough Council of Bolton shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of the Borough Council of Bolton an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule to this Order and shown by bold black dashes on the attached plan.
3. The diversion of the footpath shall have effect on the date on which the Borough Council of Bolton certify that the terms of Article 2 of this Order have been complied with and upon the occurrence of the Definitive Map and Statement of the Public Rights of Way for the Borough Council of Bolton shall be modified by deleting from it the path referred to in paragraph 1 of this Order and the path referred to in paragraph 2 of this Order shall be added to it and the Definitive Statement shall be modified as described in Part 3 of the Schedule to this Order.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule: install 150mm twin wall plastic pipe within existing ditch line; removal of section of existing stone wall allowing space for wooden kissing gate; supply and install

one wooden kissing gate, the construction of two simple sleeper bridges; brush cutting along new diverted footpath as per quotation reference JE5322 15.

5. Armstrongs Aggregates Limited is hereby required to pay for the cost of carrying out the said works specified in Article 4 of this Order.
6. Where immediately before the date on which the footpath is diverted if there is any apparatus under, in, on over, along, across, belonging to statutory undertakers for the purpose of carrying on their undertaking, then the undertakers shall continue to have the rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of site of existing path or way

Public Footpath No. 060 Horwich situated to the north-east of Montcliffe Quarry, off Georges Lane, Horwich, commencing from Point A at Grid Reference SD 366163 412202 in a generally north-westerly direction to Point B at grid Reference SD 365967 412332 for a distance of approximately 236 metres then running in a generally north-north-westerly direction to Point C at Grid Reference SD 365927 412453 for a distance of approximately 127 metres as shown by the continuous bold black line between Points A-B-C on the Order Plan 1Hor060The Plan, over a total distance of approximately 363 metres and at a width of 1.5 metres.

PART 2

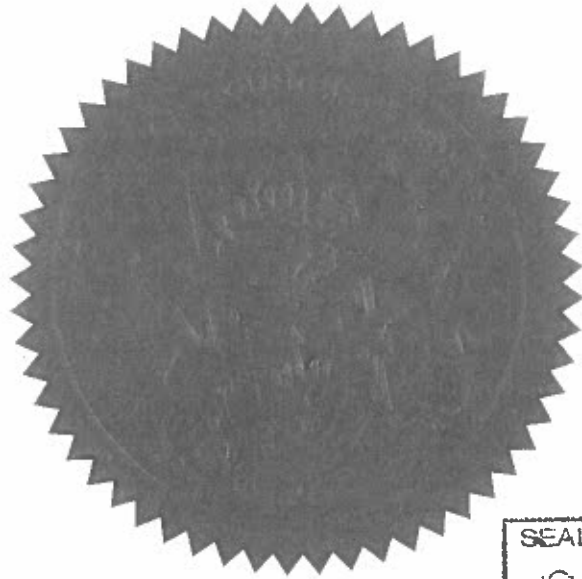
Description of site of the proposed diverted path

Public Footpath No. 060 Horwich situated to the north-east of Montcliffe Quarry, off Georges Lane, Horwich, commencing from a new line from Point C at Grid Reference SD 365927 412453 curving for a distance of approximately 85 metres in a generally east by northerly direction to Point D at Grid Reference SD 366011 412449 then running in a generally south-east by easterly direction for a distance of approximately 254 metres to Point E at Grid Reference SD366230 412321 as shown by the bold black dashes between Points C-D-E on the Order Plan 1Hor060The Plan, over a total distance of approximately 339 metres. The width between Points C-D-E will be 1.5 metres throughout except at the two simple sleeper bridges where the width is 1 metres indicated by **SB** on the Order Plan 1Hor060The Plan, at Grid References SD3666201 412337 and SD365978 412457.

Limitations and Conditions

One kissing gate of 1.5 metres width conforming to BS5709 Scottish Natural Heritage timber kissing gate version 3 as indicated **KG** on the Order Plan 1Hor060 The Plan at Grid Reference SD366224 412324.

COMMON SEAL of THE
BOROUGH COUNCIL OF
BOLTON was hereto affixed
on the 28th day of October 2015
in the presence of:



Aileen Gorman

Authorised Sealing Officer

SEALING NO.
19050

The Borough Council of Bolton (Public Footpath No. 060
Horwich) Public Path Diversion Order and Definitive Map
and Statement Modification Order 2015 confirmed on
the 14th January 2016

Aileen Gorman

Borough Solicitor.

The Borough Council of Bolton (Public Footpath No 060
Horwich) Public Path Diversion Order and Definitive Map
(LS/DH 10.15) and Statement Modification Order 2015 was declared
operative on the 17th February 2016.

Aileen Gorman

Borough Solicitor.

PART 3

Modifications of the Definitive Statement **Particulars to be varied within the definitive statement**

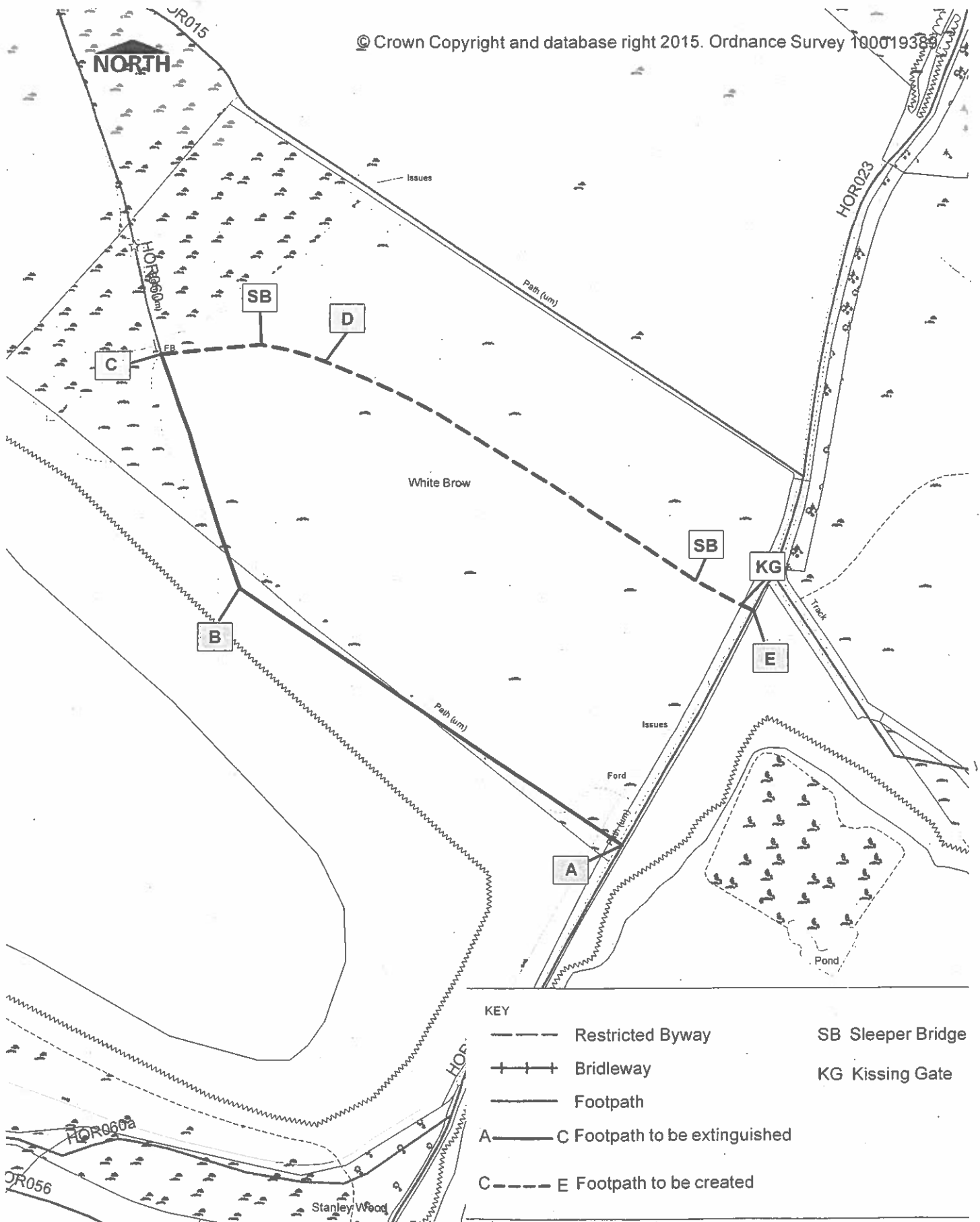
Replace “From the junction of paths Nos. 56 and 58 by Dairy Hole Quarries in a northerly direction by Stoney Row, Makinson Moor, to the junction of paths 14 and 15 by Adam Hill” with “Starting from its junction with Public Footpaths Nos. 14 and 15 Horwich by Adam Hill at Grid Reference SD 365858 412676 and continuing in a generally south by easterly direction over a wooden footbridge at Grid Reference SD365926 412457 for a distance of approximately 236 metres to grid reference SD365927 412453 where the path turns and curves in a generally east by northerly direction over a simple sleeper bridge at grid reference SD365978 412457 to grid reference SD 366011 412449 for a distance of approximately 85 metres then continuing via the north side of Montcliffe Quarry in a generally south-east by easterly direction over a simple sleeper bridge at Grid Reference SD366201 412337 through a wooden kissing gate at grid reference SD366224 412324 to grid reference SD366230 412321 for a distance of approximately 254 metres to its end at the junction with Public Footpath Horwich 055 .

Width:

1.5 metres throughout except at the two simple sleeper bridges where the width is 1 metre.

Surface Type:

Natural



| | |
|------------|-------------------------------|
| KEY | |
| --- | Restricted Byway |
| ++ | Bridleway |
| — | Footpath |
| A— | C Footpath to be extinguished |
| C--- | E Footpath to be created |
| SB | Sleeper Bridge |
| KG | Kissing Gate |

| | | | | |
|--|--|---------------------------|-----------------|-------------|
| Bolton Council HIGHWAY AND ENGINEERING DELIVERY SERVICES PUBLIC RIGHTS OF WAY | THE BOROUGH COUNCIL OF BOLTON Public Footpath Horwich 060 (part) Diversion Order Section 257 Town and Country Planning Act 1990 | | | |
| | ENVIRONMENTAL SERVICES Malcolm J. Cox. MBA. BSc. C Eng. MICE Director of Environmental Services The Wellsprings, Civic Centre, Bolton, BL1 1US | Date 03/07/2015 | Scale 1:2500 | Drawn AS |