

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

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE BOROUGH COUNCIL OF BOLTON (PUBLIC FOOTPATH NO. 056 HORWICH) PUBLIC
PATH DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2017**

This Order is made by the Borough Council of Bolton ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act"), because it appears to the Authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of the path should be diverted.

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(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

Mr David Armstrong, Armstrong of the Armstrongs Group, Horwich Recycling Centre, Chorley New Road, Horwich, Bolton has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

Horwich Town Council has been consulted as required by Section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situated to the north east of Montcliffe Quarry, Off Georges Lane, Horwich, Bolton and shown by a bold continuous line on the map contained in this Order ("the Order Plan") and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted and 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 footpath 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 an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by black dashes on the Order Plan.
3. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.
4. The Definitive Map and Statement of the Public Rights of Way for the Authority shall be modified as described in Part 4 of the Schedule.

5. Where immediately before the date on which the public footpath is 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 of the Schedule such undertakers will continue to have such rights.

SCHEDULE

PART 1

Description of site of existing path and way

Public Footpath No. 056 Horwich situated to the north east of Montcliffe Quarry, Off Georges Lane, Horwich, Bolton, BL6 6RT commencing from Makinson Road at the junction with public footpath 057 Horwich; point A at grid reference SD366022 411957 in a generally west-north westerly direction to point B at grid reference SD SD365850 412026 for a distance of approximately 185 metres as shown by the continuous bold line between points A-B on the Order Plan of a width of 1.5 metres throughout

PART 2

Description of site of new path and way

Public Footpath No. 056 Horwich situated to the north east of Montcliffe Quarry, Off Georges Lane, Horwich, Bolton, BL6 6RT commencing from a new line from Makinson Road at the junction with public footpath 057 Horwich; point D at grid reference SD 365972 411882 in a generally north westerly direction crossing a ditch by means of a pipe crossing at grid reference SD 365908 411938 to point C at grid reference SD 365831 412007 for a distance of approximately 188 metres then running in a generally north easterly direction to point B at grid reference SD 365850 412026 for a distance of approximately 27 metres as shown by the bold black dashes between points D-C-B on the Order Plan over a total distance of approximately 215 metres. The width between points D-C-B will be 1.5 metres throughout over a natural surface.

PART 3

Limitations and Conditions

Two kissing gates of 1.5m width conforming to BS5709 Scottish Natural Heritage timber kissing gate version 3 as indicated by KG on the Order Plan at grid reference SD 365967 411885 and at grid reference SD 365850 412026

PART 4

Modification of Definitive Statement

Particulars to be varied within the definitive statement

District: Horwich

Path/Way Number: Public Footpath Horwich 056

Particulars to be varied:

Replace "From Marsden's Farm to Dairy Hole Quarries" **with** "Starting from Makinson Road at the junction with public footpath 057 Horwich at grid reference SD365972 411882 and continuing in a generally north westerly direction through a wooden kissing gate at grid reference SD 365967 411885

over a pipe crossing at grid reference SD 365908 411938 to grid reference SD 365831 412007 for approximately 188 metres where the path turns and continues in a generally north easterly direction with fence on its western side to grid reference SD 365850 412026 for approximately 27 metres where the path turns and continues through a wooden kissing gate at grid reference SD365850 412026 in a generally west by northerly direction to its end at the junction with public footpath 058 Horwich at grid reference SD 365743 412052".

Total Length: 329 metres.

Width: Between grid reference SD 365972 411882 and SD 365850 412026; 1.5 metres throughout.

Surface Type: Natural.

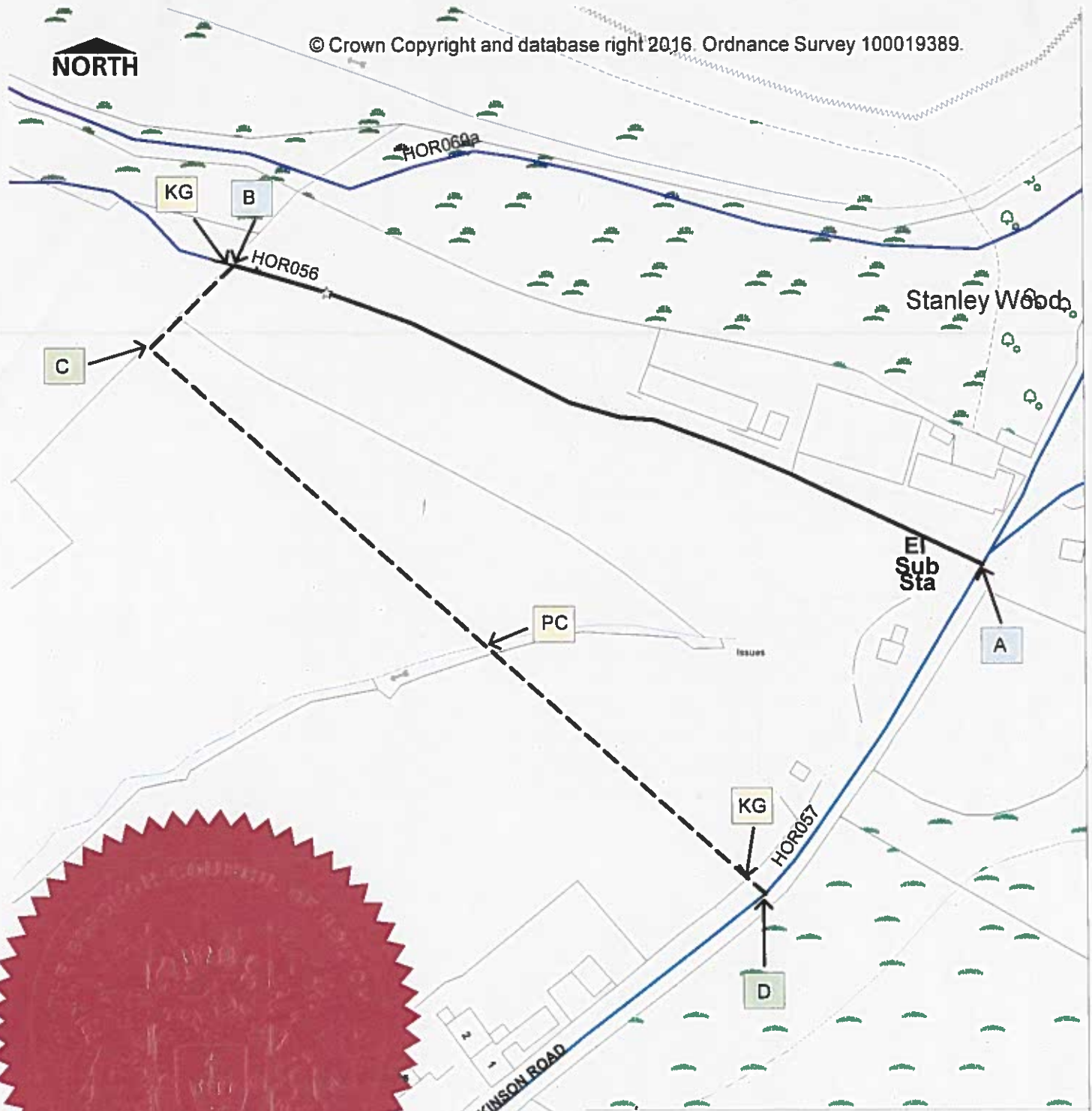
**THE COMMON SEAL of THE BOROUGH
COUNCIL of BOLTON** was hereunto affixed
on the *06th* day of *January* 2017 in the presence of:



Allen Gorman

Authorised Sealing Officer

SEALING NO.
19,662



SEALING NO.
19,662

Alan Goodman
AUTHORISED SEALING OFFICER

- KEY**
- Restricted Byway
 - Bridleway
 - Footpath
 - Footpath to be diverted (A-B)
 - Footpath diversion line (B-C-D)
 - KG - Kissing Gate
 - PC - Pipe Crossing

Bolton Council
HIGHWAY AND ENGINEERING
DELIVERY SERVICES
PUBLIC RIGHTS OF WAY

THE BOROUGH COUNCIL OF BOLTON
Public Footpath Horwich 056 (part) Diversion Order
Section 119 Highways Act 1980

ENVIRONMENTAL SERVICES
Stephen Young BA(Hons) DMS MBA
Director of Place
The Wellsprings, Civic Centre, Bolton, BL1 1US

Date	Scale	Drawn	Drg. No.
23/09/2016	1:1250	AS	1Hor056The Plan

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**THE BOROUGH COUNCIL OF BOLTON (PUBLIC FOOTPATH NO. 056 HORWICH) PUBLIC
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ORDER 2017**

Confirmed as an unopposed order on 20th December 2017

THE COMMON SEAL of **THE BOROUGH**
COUNCIL of **BOLTON** was hereunto affixed
on the 20th day of December 2017 in the presence of:



Aileen Gorman

Authorised Sealing Officer

SEALING NO.
20155

Declared operative by the Borough
Council of Bolton on the
13th April 2018

N. M. M. M.

Trainee Solicitor