

**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 (RESTRICTED BYWAY NOS. 438 (PART), 426
AND 427) PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016**

This Order is made by the Borough Council of Bolton ("the Council") under Section 257 of the Town and Country Planning Act 1990, because it is satisfied that it is necessary to divert the restricted byways 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: change of use of part of restored opencast coal site to form country park including remodelled landform, creation of ponds, watercourses and a mix of habitats, improved public access routes and provision of a visitors' car park (Planning Permission 90552/13).

This Order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the Council that the Definitive Map and Statement of the Public Rights of Way for the Borough Council of Bolton 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 a highways shown or required to be shown in the Definitive Map and Statement.

BY THIS ORDER:

1. The restricted byways over the land shown by bold black lines on the attached plan ("the Order Plan"; Plan D Bol 438-426-427) and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up or 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 Council, alternative highways for the use as replacements for the said restricted byways as provided in Part 2 of the Schedule and shown by bold black dashes with arrowheads on the attached Plan.
3. The diversion of the restricted byways shall have effect on the date on which the Council, certify that the terms of paragraph 2 of this Order have been complied with and upon the occurrence of the diversion of the restricted byways 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 restricted byways referred to in paragraph 1 of this Order and the restricted byways referred to in paragraph 2 of this Order shall be added to it and the Definitive Map and Statement shall be modified as described in Part 3 of the Schedule.
4. The following works shall be carried out in relation to the highways described in part 2 of the schedule: construct ways as stipulated by the surface specifications agreed with the Council.
5. Harworth Estates Investments Ltd is hereby required to pay for the costs of the works.

6. Where immediately before the date on which the restricted byways and footpath are diverted there is any apparatus under, in, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, 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

Restricted Byway No. 438 (Part) Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from Point A at grid reference SD 369176 404447 curving in a generally easterly direction to Point B at grid reference SD 369252 404450 as shown by the continuous bold line between Points A-B on the Order Plan over a total distance of approximately 77 metres and a width of 3.4 metres throughout.

Restricted Byway No. 426 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from Point F at grid reference SD 369489 404533 in a generally south by westerly direction to Point G at grid reference SD369415 404321 as shown by the continuous bold line between Points F-G on the Order Plan over a total distance of approximately 220 metres and a width of 2.4 metres throughout.

Restricted Byway No. 427 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from Point G at grid reference SD 369415 404321 in a generally south-south-westerly direction to Point H at grid reference SD 369309 404262 as shown by the continuous bold line between Points G-H on the Order Plan over a total distance of approximately 64 metres and a width of 2.4 metres throughout.

PART 2

Description of site of the alternative highway

Restricted Byway No. 438 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from a new line from Point A at grid reference SD 369176 404447 running in a generally north-north-westerly direction to Point C at grid reference SD 369175 404452 for a distance of approximately 5 metres then running in a generally north-north-easterly direction to Point D at grid reference SD369185 404474 for a distance of approximately 24 metres then running in a generally east by southerly direction to Point E at grid reference SD 369231 404465 for a distance of approximately 47 metres as shown by bold black dashes with arrowheads between Points A-C-D-E on the Order Plan over a total distance of approximately 76 metres. The width between Points A-C-D-E will be 3 metres throughout over a limestone surface.

Restricted Byway No. 426 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from a new line from Point I at grid reference SD 369344 404526 running in a generally southerly direction to Point J at grid reference SD 369341 404476 as shown by the bold black dashes with arrowheads between Points I-J on the Order Plan over a total distance of approximately 50 metres. The width between Points I-J will be 3 metres throughout over a limestone surface.

Restricted Byway No. 427 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from a new line from Point J at grid reference SD 369341 404476 running in a generally south by westerly direction to Point K at grid reference SD 369335 404435 as shown by the bold black dashes with arrowheads between Points J-K on the Order Plan over a total distance of approximately 42 metres. The width between Points J-K will be 3 metres throughout over a limestone surface.

Limitations and Conditions

None

PART 3

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

Path/Way Number: Restricted Byway Bolton 438

Replace "Starts at field gate at junction with Path Number 439 and Path Number 437 and runs to East with wire fence to right hand side. After 91m field gate and then hedge to right hand side. After 146m hedges on both sides and ends at junction with Path Number 433" **with** "Starting at field gate from its junction with Restricted Byways Bolton 439 and 437 at grid reference SD 369066 404438 continuing in a generally easterly direction to grid reference SD 369176 404447 for a distance of approximately 111 metres where the way turns and continues in a generally north-north-westerly direction to grid reference SD 369175 404452 for a distance of approximately 5 metres then continuing in a generally north-north- easterly direction to grid reference SD 369185 404474 for a distance of approximately 24 metres then continuing in a generally east by southerly direction for a distance of approximately 47 metres to its end at the junction with Restricted Byway Bolton 433 at grid reference SD 369231 404465".

Total Length: 187 metres.

Width: 3 metres throughout.

Surface Type: limestone

Path/Way Number: Restricted Byway Bolton 426

Replace "Starts in Rosemary Lane at field gate and runs South with barbed wire fence on left hand side. Metalled surface ends after 45m and path continues through field gate and ends at junction with Path Number 435" **with** "Starting from its junction with Restricted

Byways Bolton 433, 425 and public footpath Bolton 423 at grid reference SD 369344 404526 continuing in a generally southerly direction for a distance of approximately 50 metres to its end at the junction with Restricted Byway Bolton 427 at grid reference SD 369341 404476”.

Total Length: 50 metres.

Width: 3 metres throughout.

Surface Type: limestone

Path/Way Number: Restricted Byway Bolton 427

Replace “Continuation of Path Number 426 after junction with Path Number 435 and runs to the South West crossing stream after 23m where barbed wire fence on left hand side begins. Ends at entrance to Ashes Farm at junction with Path Number 431 and Path Number 436” **with** “Continuation of Restricted Byway Bolton 426 starting at grid reference SD 369341 404476 continuing in a generally south by westerly direction for a distance of approximately 42 metres to its end at the junction with Restricted Byway Bolton 434 and Public Footpath Bolton 435 at grid reference SD 369335 404435”.

Total Length: 42 metres.

Width: 3 metres throughout.

Surface Type: limestone

THE COMMON SEAL of
THE BOROUGH COUNCIL OF
BOLTON was hereto affixed
on the 4th day of August 2016
in the presence of:



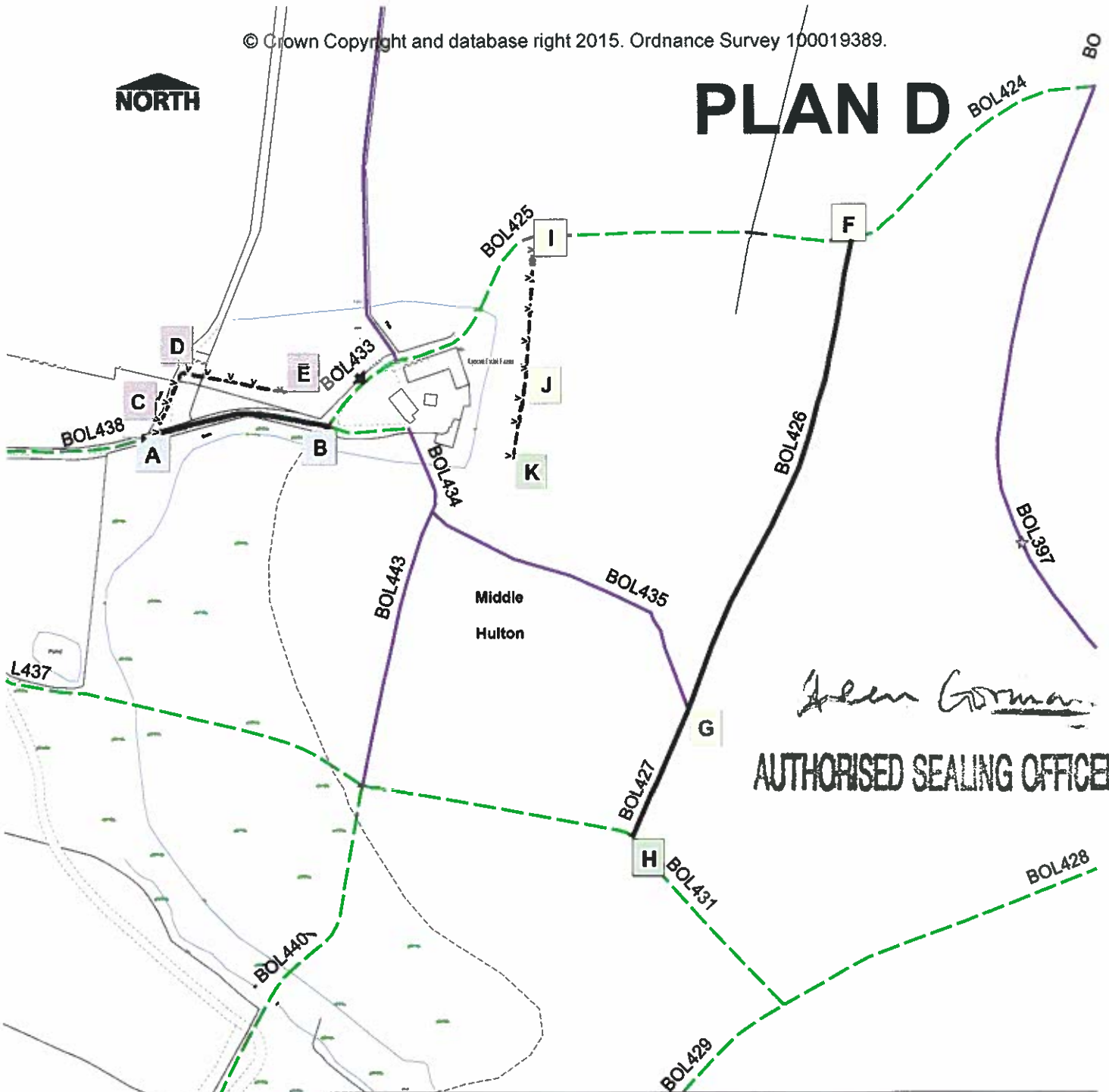
SEALING NO.
19374

Allen Gorman

Authorised Sealing Officer



PLAN D



John Gorman
AUTHORISED SEALING OFFICER

KEY

Restricted Byway

Bridleway

Footpath

Restricted Byway Bolton 438 to be closed (A-B)

Restricted Byway Bolton 426 to be closed (F-G)

Restricted Byway Bolton 427 to be closed (G-H)

Restricted Byway Bolton 438 to be created (A-C-D-E)

Restricted Byway Bolton 426 to be created (I-J)

Restricted Byway Bolton 427 to be created (J-K)



THE BOROUGH COUNCIL OF BOLTON
Restricted Byways Bolton 438 & 426 & 427 Diversion Order
Section 257 Town and Country Planning Act 1990

Date	Scale	Drawn	Drng. No.
30/09/2015	1:2500	AS	Plan D Bol438-426-427

SEALING NO.
 19374