

**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. 397 BOLTON AND
RESTRICTED BYWAYS NO. 395 AND NO. 424 BOLTON) PUBLIC PATH DIVERSION
ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015**

This Order is made by the Borough Council of Bolton under Section 119 of the Highways Act 1980, because it is satisfied that it is in the interests of the owner of the land crossed by the restricted byways and public footpath to which this Order relates that it is expedient that the lines of the restricted byways and public footpath 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(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.

Harworth Estates has agreed to pay any expenses which are incurred in bringing the new site of the byways and footpaths into a fit condition for use by the public.

BY THIS ORDER:

1. The restricted byways and public footpath over the land shown by continuous bold black lines (restricted byways) and by a continuous black line (public footpath) 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 Public Rights of Way for the Borough Council of Bolton 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 Borough Council of Bolton certifies that all necessary works to bring the byways and 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 Borough Council of Bolton alternative highways for use as a replacement for the said restricted byways as provided in Part 2 of the Schedule to this Order and shown by bold black dashes on the attached plan.
3. There shall be created to the reasonable satisfaction of the Borough Council of Bolton alternative highways for use as a replacement for the said footpath as provided in Part 2 of the Schedule to this Order and shown by black dashes on the attached plan.
4. The Definitive Map and Statement of the Public Rights of Way for the Borough Council of Bolton shall be modified as described in Part 4 of the Schedule.

5. Where immediately before the date on which the restricted byways and public footpath 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 and way

Restricted Byway No. 395 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road, Bolton commencing from point A at grid reference SD 369639 404735 for a distance of approximately 121 metres in a generally south by westerly direction to point B at grid reference SD 369617 404615 then running in a generally south – south westerly direction to point C at grid reference SD 369611 404608 for approximately 11 metres as shown by the continuous bold line on the Order Plan 1Bol397-395-424 The Plan over a total distance of approximately 132 metres.

Restricted Byway No. 424 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road, Bolton commencing from its junction with Restricted Byway 395 & Public Footpath 397 point C at grid reference SD 369611 404608 in a generally south west by westerly direction to point D at grid reference SD 369600 404602 as shown by the continuous bold line on the Order Plan 1Bol397-395-424 The Plan over a total distance of approximately 13 metres

Public Footpath No. 397 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road, Bolton commencing from its junction with Restricted Byways Bolton 395 & 424 point C at grid reference SD 369611 404608 for a distance of approximately 27 metres in a generally south east by southerly direction to point F at grid reference SD 369628 404586 then running in a generally southerly direction to point G at grid reference SD 369645 404343 for approximately 244 metres then running in a westerly direction to point H at grid reference SD 369614 404344 for approximately 31 metres then running in a southerly direction to point I at grid reference 369614 404337 for approximately 7 metres as shown by the continuous black line on the Order Plan 1Bol397-395-424 The Plan over a total distance of approximately 309 metres.

PART 2

Description of site of new path and way

Restricted Byway No. 395 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road, Bolton from a new line commencing from point A at grid reference SD369639 404735 in a generally south - south westerly direction to point E at grid reference SD 369604 404615 as shown by the bold black dashes on the Order Plan 1Bol397-

395-424 The Plan over a total distance of approximately 123 metres over a hard standing surface.

Restricted Byway No. 424 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road, Bolton from a new line commencing from point E at grid reference SD369604 404615 in a generally south - south westerly direction to point D at grid reference SD369600 404602 as shown by the bold black dashes on the Order Plan 1Bol397-395-424 The Plan over a total distance of approximately 13 metres over a hard standing surface.

Public Footpath No. 397 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road, Bolton from a new line commencing from its junction with Restricted Byway Bolton 424 point D at grid reference SD369600 404602 curving for approximately 150 metres in a generally south - south westerly direction to point J at grid reference SD369558 404459 then curving in a generally south - south easterly direction to point I at grid reference SD 369614 404337 for approximately 138 metres as shown by the black dashes on the Order Plan 1Bol397-395-424 The Plan over a total distance of approximately 288 metres over a foot trodden surface.

PART 3

Limitations and Conditions

None

PART 4

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

District: Bolton

Path/Way Number: Restricted Byway Bolton 395

Particulars to be varied:

Replace "Rosemary Lane. Continuation of path number 394 after junction with path number 422 and runs to south with hedges on both sides. Ends at junction with path number 424 and path number 397 at sharp bend with footbridge and stepping stile on left hand side" **with** "Rosemary Lane. Continuation of restricted byway Bolton 394 at grid reference SD369670 404917 after junction with footpath number 422 and running in a generally south by westerly direction for approximately 185 metres to grid reference SD369639 404735 then running in a generally south - south westerly direction for approximately 123 metres with fencing and business park on its eastern side to its end at its junction with restricted byway Bolton 424 at grid reference SD369604 404615".

Width: 3.6 metres throughout

Surface Type: Hard Standing

District: Bolton

Path/Way Number: Restricted Byway Bolton 424

Particulars to be varied:

Replace "Rosemary Lane. Continuation of path number 395 and runs to the south west with stream on left hand side and wooden fences on both sides. Ends at junction with path number 425 and path number 426" **with** "Continuation of restricted byway Bolton 395 at grid reference SD369604 404615 and running in a generally south - south westerly direction for approximately 13 metres to grid reference SD 369600 404602 with fencing and business park on its eastern side then running in a generally south westerly direction for approximately 136 metres to its end at its junction with restricted byways Bolton 425 & 426 at grid reference SD 369488 404534".

Width: 3.6 metres throughout

Surface Type: Hard Standing

District: Bolton

Path/Way Number: Public Footpath Bolton 397

Particulars to be varied:

Replace "Starts at junction with path number 428 and path number 444 and runs to north following stream then swings right with barbed wire fence on left hand side and then sharp left turn after 36m. Here crosses fence and continues with it on right hand side. Ends at junction with path number 395 and path number 424 at stepping stile and footbridge" **with** "Starting from its junction with restricted byway Bolton 424 at grid reference SD369600 404602 with fencing and business park on its eastern side curving for approximately 150 metres in a generally south - south westerly direction to grid reference SD369558 404459 then curving in a generally south - south easterly direction to grid reference SD 369614 404337 for approximately 138 metres then running in a generally south – south easterly direction following stream on it right hand side for approximately 86 metres to its end at its junction with restricted byways Bolton 428 & 444 at grid reference SD369640 404260".

Width: 1.5 metres throughout

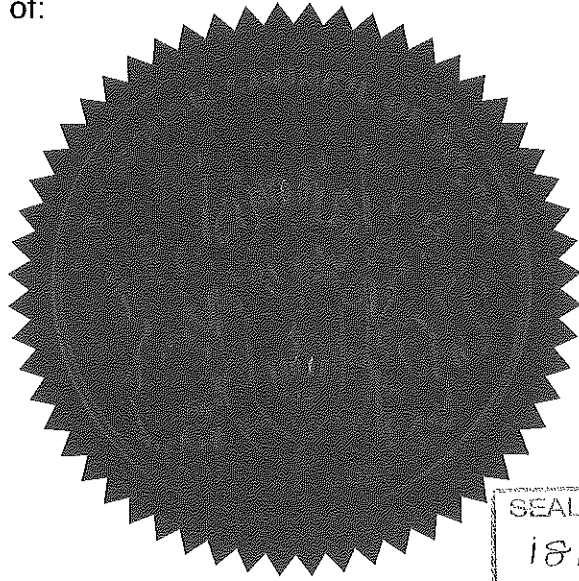
Surface Type: Foot Trodden

Other particulars:

Diverted by "The Borough Council of Bolton Public Path Diversion and Definitive Map and Statement (Restricted Byway No. 395 & No. 424 Bolton & Public Footpath No. 397 Bolton) Modification Order (No.xx) 2015"

THE COMMON SEAL of **THE BOROUGH**
COUNCIL of **BOLTON** was hereunto affixed
on the 4th day of March 2015 in the presence of:

Aelen Gorman
Authorised Sealing Officer



SEALING NO.
18130



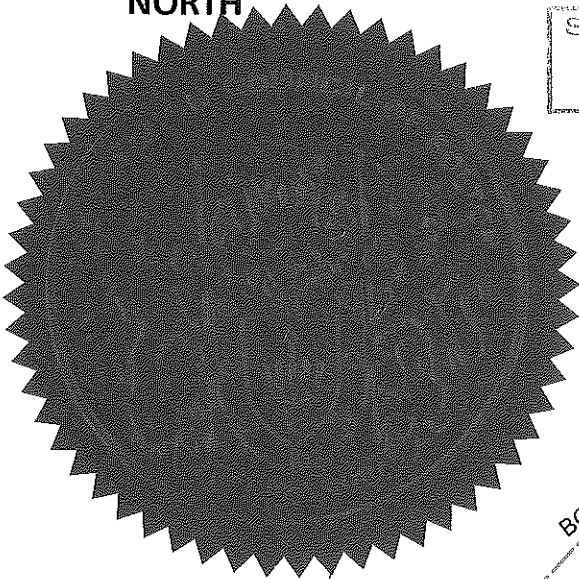
Aileen Gorman

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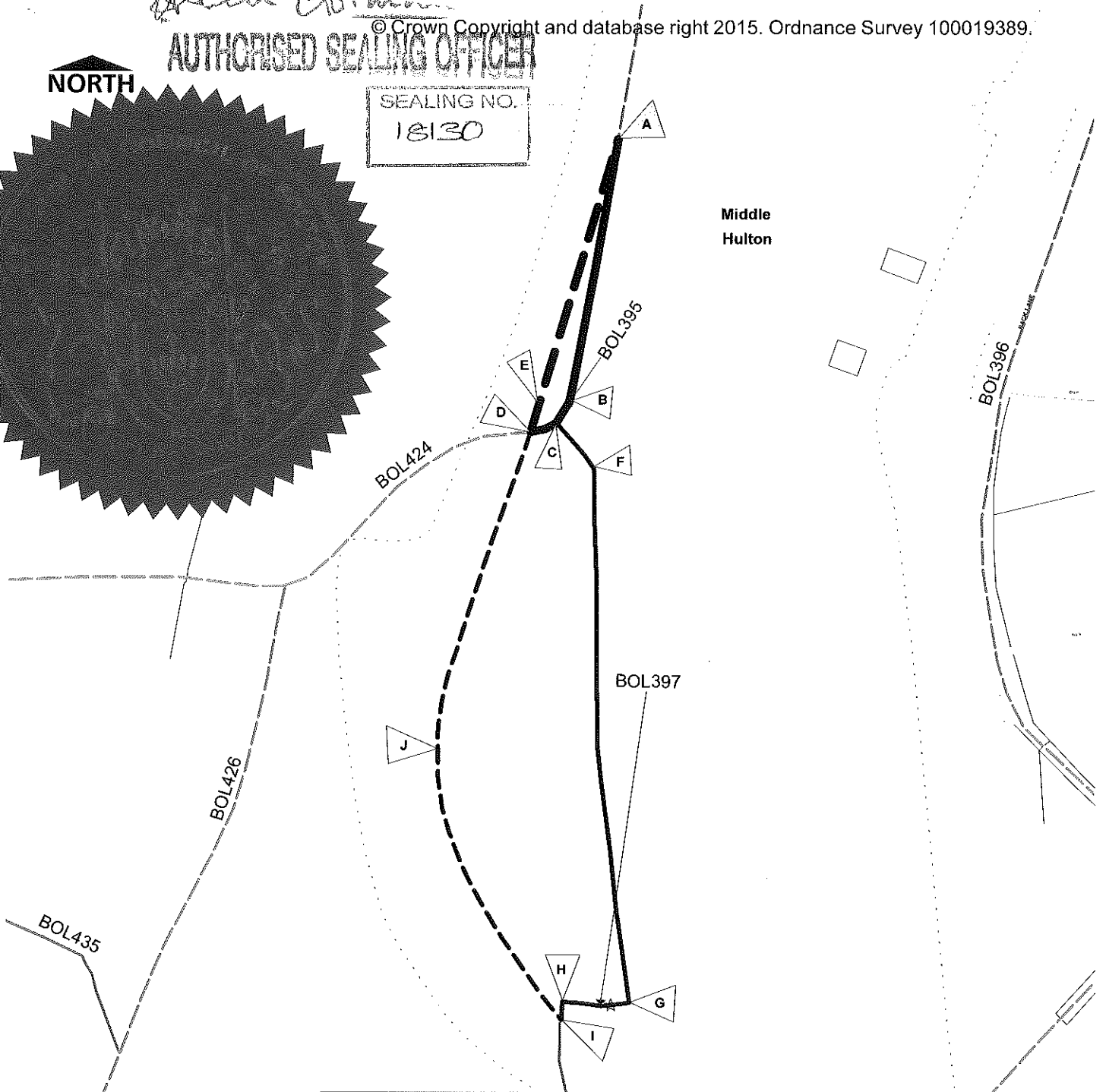
AUTHORISED SEALING OFFICER

SEALING NO.
18130

NORTH



Middle
Hulton



KEY

- Restricted Byway
- Bridleway
- Footpath
- Restricted Byway Bolton 395 to be diverted (A-B-C)
- Restricted Byway Bolton 424 to be diverted (C-D)
- Public Footpath Bolton 397 to be diverted (C-F-G-H-I)
- Restricted Byway Bolton 395 diversion line (A-E)
- Restricted Byway Bolton 424 diversion line (E-D)
- Public Footpath Bolton 397 diversion line (D-J-I)

Bolton Council

HIGHWAY AND ENGINEERING
DELIVERY SERVICES
PUBLIC RIGHTS OF WAY

THE BOROUGH COUNCIL OF BOLTON
Public Footpath Bolton 397 & Restricted Byways Bolton 395&424
Diversion Order (part) Section 119 Highways Act 1980

ENVIRONMENTAL SERVICES

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

Date

16/02/2015

Scale

1:2500

Drawn

AS

Drg. No.

1Bol397-395-424 The Plan

