

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

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

**THE BOROUGH COUNCIL OF BOLTON (RESTRICTED BYWAYS NO. 392 AND
NO. 396 BOLTON, PART) PUBLIC PATH DIVERSION ORDER AND DEFINITIVE
MAP AND STATEMENT MODIFICATION ORDER 2014**

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 to which this Order relates that it is expedient that the lines of the restricted byways 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.

BY THIS ORDER:

1. The restricted byways over the land shown by continuous bold black lines 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.
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 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 restricted byways 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 that 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 Statement shall be modified as described in Part 3 of the Schedule to this Order.
4. Where immediately before the date on which the restricted byways are diverted if there 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 same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of site of existing path or way

Restricted Byway No. 392 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6, Salford Road, Bolton, commencing from its junction with Salford Road Point A at grid reference SD 370126 405305 for a distance of approximately 99 metres in a generally south-westerly direction to Point B at grid reference SD 370064 405230 then running in a generally south-south-westerly direction to Point C at grid reference SD 369918 404914 for approximately 367 metres as shown by the continuous bold black line on the Order Plan, over a total distance of approximately 466 metres and a width between Points A and C of 3.6 metres.

Restricted Byway No. 396 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6, Salford Road, Bolton, commencing from its junction with Restricted Byway No. 392 Point C at grid reference SD 369918 404914 for a distance of approximately 306 metres in a generally south-south-westerly direction to Point D at grid reference SD 369813 404615 for approximately 334 metres then running in a generally southerly direction to Point E at grid reference SD 369811 404500 for approximately 80 metres as shown by a continuous bold black line on the Order Plan, over a total distance of approximately 414 metres and a width between Points C and E of 3.0 metres.

PART 2

Restricted Byway No. 392 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 Salford Road Point F at grid reference SD370069 405336 in a generally south-westerly direction to Point G at grid reference SD 369905 404916 as shown by bold black dashes on the Order Plan, over a total distance of approximately 451 metres over a sand stone surface and a width between Points F and G of 3 metres throughout.

Restricted Byway No. 396 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6, Salford Road, Bolton, commencing from its junction with Restricted Byway No. 392 Bolton Point G at grid reference SD369905 404916 for approximately 316 metres in a generally south-westerly direction to Point H at grid reference SD369791 404621 then running in a generally south by easterly direction to Point I at grid reference SD 369803 404499 for approximately 121 metres then running in a generally easterly direction to Point E at grid reference SD 369811 404500 for a total distance of approximately 9 metres as shown by bold black dashes on the Order Plan over a total distance of approximately 446 metres over a sand stone surface and a width between Points G and E of 3 metres throughout

Limitations

Bolton 392 No limitations

Bolton 396 No limitations

PART 3

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

Replace "Back Lane. Continuation of Path No. 396 after its junction with Path No. 393 and runs to the north between hedges. After 68 metres widens on the left for 18 metres then continues to end on Salford Road, after passing over cart bridge." with "The Restricted Byway commences on Salford Road at grid reference SD370069 405336 and leads in a generally south-westerly direction along the gas main easement across a side access road to its junction with Restricted Byway No 396 Bolton at grid reference SD 369905 404916"

Replace "Back Lane. Continuation of Path No. 392 after junction with Path No 393 and runs to south between wooden fences. 27 metres past Eccorsley's Farm metalled surface ends and 45 metres further on fences and hedges on both sides. Ends at junction with Path No. 399" with "Continuation of Restricted Byway No. 392 Bolton at grid reference SD369905 404916 and leads in a generally south-westerly direction along the gas main easement for approximately 316 metres to grid reference SD369791 404621 then running in a generally south by easterly direction for approximately 121 metres to grid reference SD369803 404499 then in a generally easterly direction for approximately 9 metres to grid reference SD369811 404500. Continues in a generally south-easterly direction and ends at the junction with Restricted Byways No. 398 and No. 399 Bolton Back Lane"

**THE COMMON SEAL of THE BOROUGH
COUNCIL of BOLTON was hereunto affixed
on the 6th day of May 2014 in the presence of:**

Allen Gorman

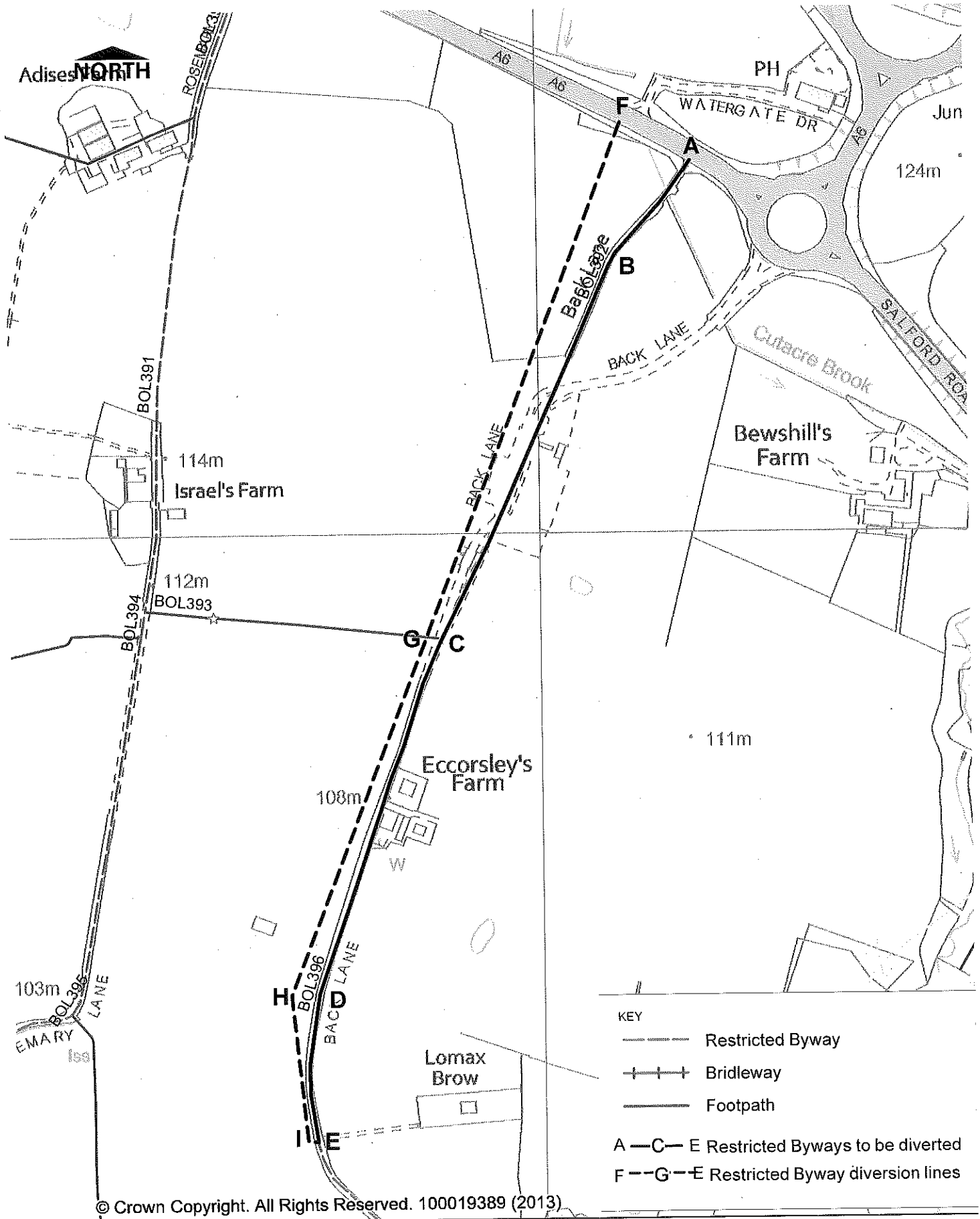
Authorised Sealing Officer



SEALING NO.
1778S

(LS/DH 05.14)

066692/01053554



Bolton Council HIGHWAY AND ENGINEERING DELIVERY SERVICES PUBLIC RIGHTS OF WAY ENVIRONMENTAL SERVICES Malcolm J. Cox. MBA. BSc. C Eng. MICE Director of Environmental Services The Wellsprings. Civic Centre. Bolton. BL1 1US	THE BOROUGH COUNCIL OF BOLTON Restricted Byway Bolton 392 & Restricted Byway Bolton 396 (part) Diversion Order Section 119 Highways Act 1980			
	Date 15/04/2014	Scale 1:4000	Drawn AS	Drg. No. 1Bol392-396 The Plan

