

**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 AND PUBLIC  
FOOTPATH NO. 434 AND PUBLIC FOOTPATHS NO. 443 AND NO. 435, BOLTON)  
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 footpaths and restricted byway 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 byway and public footpaths over the land shown by bold black lines on the attached plan ("the Order Plan"; Plan E Bol 434-443-435) and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up 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 byway and footpaths and as provided in Part 2 of the Schedule and shown by bold black dashes with arrowheads and bold black dashes on the attached plan.
3. The diversion of the restricted byway and footpaths 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 byway and footpaths 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 byway and footpaths referred to in paragraph 1 of this Order and the restricted byway and footpaths 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 both way and footpaths 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 byway and footpaths 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/Public Footpath No. 434 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton; Restricted Byway Bolton 434 commencing from point A at grid reference SD 369252 404450 in a generally easterly direction to Point B at grid reference SD 369288 404449 for a distance of approximately 37 metres; Public Footpath Bolton 434 commencing from Point B at grid reference SD 369288 404449 in a generally south-south-easterly direction to Point C at grid reference SD 369299 404411 for a distance of approximately 41 metres as shown by the continuous bold line between Points A-B-C on the Order Plan over a total distance of approximately 78 metres and a width between 0.9 - 2.4 metres.

Public Footpath No. 443 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton, commencing from Point C at grid reference SD 369299 404411 in a generally south by westerly direction to Point D at grid reference SD 369267 404286 as shown by the continuous bold line between Points C-D on the Order Plan over a total distance of approximately 128 metres and a width of 1.2 metres throughout.

Public Footpath No. 435 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton, commencing from Point C at grid reference SD 369299 404411 in a generally east-south-easterly direction to Point E at grid reference SD 369399 404366 for a distance of approximately 110 metres then running in a generally south-south-easterly direction to Point F at grid reference SD 369415 404321 for a distance of approximately 47 metres as shown by the continuous bold line between Points C-E-F on the Order Plan over a total distance of approximately 157 metres and a width of 1.2 metres throughout.

## **PART 2**

### **Description of site of the alternative highway**

Restricted Byway/Public Footpath No. 434 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton; Restricted Byway Bolton 434 commencing from a new line from Point G at grid reference SD 369335 404435 running in a generally south- south-westerly direction to Point H at grid reference SD 369323 404397 for a distance of approximately 40 metres as shown by the bold black dashes with arrowheads between Points G-H on the Order Plan; Public Footpath Bolton 434 commencing from a new line from Point H at grid reference SD 369323 404397 then running in a generally south-south-westerly direction to Point I at grid reference SD 369305 404352 for a distance of approximately 48 metres as shown by the bold black dashes between Points H-I on the Order Plan. The total distance being approximately 88 metres; the width between Points G-H-I will be 3 metres throughout over a limestone surface.

Public Footpath No. 443 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 369305 404352 running in a generally south-south-westerly direction to Point J at grid reference SD 369285 404288 as shown by the bold black dashes between Points I-J on the Order Plan over a total distance of approximately 67 metres. The width between Points I-J will be 2 metres throughout over a red shale surface.

Public Footpath No. 435 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 G at grid reference SD 369335 404435 curving in a generally south easterly direction to Point K at grid reference SD 369418 404326 for a distance of approximately 140 metres then curving in a generally south by westerly direction to Point L at grid reference SD 369407 404237 for a distance of approximately 91 metres then running in a generally south – south-easterly direction to Point M at grid reference SD 369411 404213 for a distance of approximately 25 metres as shown by the bold black dashes between Points G-K-L-M on the Order Plan over a total distance of approximately 256 metres. The width between Points G-K-L-M will be 2 metres throughout over a red shale 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/Public Footpath Bolton 434

**Replace** "Starts at junction with Path Number 438 and Path Number 433 and runs to South East to field gate at Spout Hall Farm yard. Sharp right turn and becomes F.P. passing through fence and continuing with hedge on left hand side. Ends at junction with Path Number 443 and Path Number 435" **with** "Continuation of Restricted Byway Bolton 427 at grid reference SD 369335 404435 continuing in a generally south - south westerly direction to grid reference SD 369323 404397 for a distance of approximately 40 metres where the way becomes a footpath and continues in a generally south-south-westerly direction for a distance of approximately 48 metres to its end at the junction with Public Footpath Bolton 443 at grid reference SD 369305 404352".

**Total Length:** 88 metres.

**Width:** 3 metres throughout.

**Surface Type:** limestone

Path/Way Number: Public Footpath Bolton 443

**Replace** "Starts at junction with Path Number 434 and Path Number 435 and runs South with fence on left hand side ending at squeezer stile at junction with Path Number 436 and Path Number 437" **with** "Continuation of Restricted Byway/Public Footpath Bolton 434 at grid reference SD 369305 404352 continuing in a generally south - south westerly direction for a distance of approximately 67 metres to its end at the junction with Restricted Byway Bolton 440 at grid reference SD 369285 404288".

**Total Length:** 67 metres.

**Width:** 2 metres throughout.

**Surface Type:** red shale.

Path/Way Number: Public Footpath Bolton 435

**Replace** "Starts at junction with Path Number 443 and Path Number 435 and runs to the South East following stream and ends at cartbridge at junction of Path Number 426 and Path Number 427" **with** "Starting from its junction with Restricted Byway Bolton 427 and Restricted Byway/Public Footpath 434 at grid reference SD 369335 404435 curving in a generally south easterly direction to grid reference SD 369418 404326 for a distance of approximately 140 metres then curving in a generally south by westerly direction to grid reference SD 369407 404237 for a distance of approximately 91 metres then continuing in a generally south-south-easterly direction for a distance of approximately 25 metres to its end at the junction with Restricted Byways Bolton 436 and 431 at grid reference SD 369411 404213".

**Total Length:** 256 metres.

**Width:** 2 metres throughout.

**Surface Type:** red shale.

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



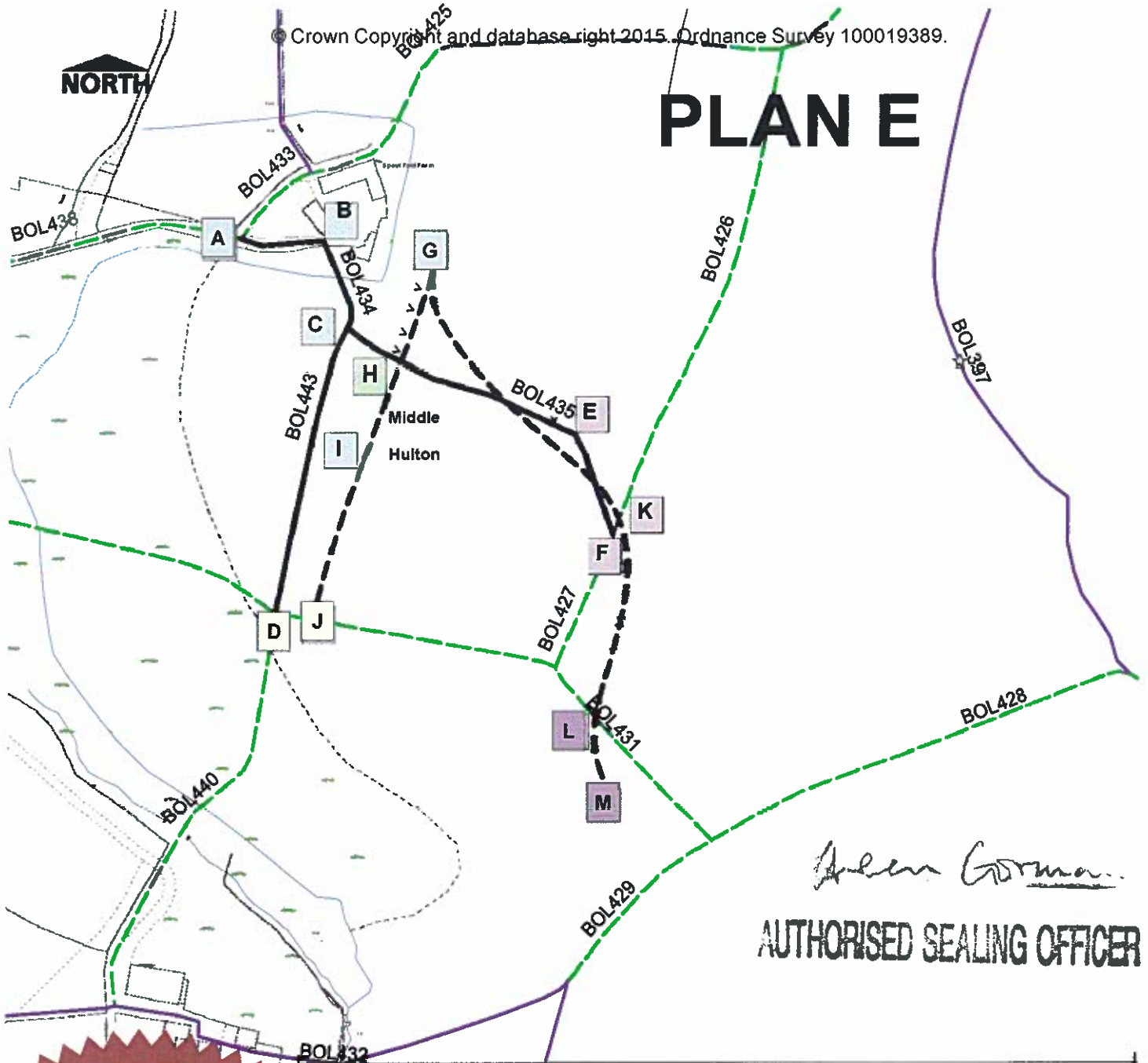
SEALING NO.  
19375

*Aileen Gorman*

Authorised Sealing Officer



# PLAN E



*Allen Gorman*  
**AUTHORISED SEALING OFFICER**

**KEY**

- Restricted Byway
- Bridleway
- Footpath
- Restricted Byway/Public Footpath Bolton 434 to be closed (A-B-C)
- Public Footpath Bolton 443 to be closed (C-D)
- Public Footpath Bolton 435 to be closed (C-E-F)
- Restricted Byway Bolton 434 to be created (G-H)
- Public Footpath Bolton 434 to be created (H-I)
- Public Footpath Bolton 443 to be created (I-J)
- Public Footpath Bolton 435 to be created (G-K-L-M)



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

**THE BOROUGH COUNCIL OF BOLTON**  
 Restricted Byway/Public Footpath Bolton 434 & Public Footpaths Bolton 443 & 435 Diversion Order Section 257 Town and Country Planning Act 1990

Date	Scale	Drawn	Drg. No.
06/10/2015	1:2500	AS	Plan E Bol434-443-435