

**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 BYWAYS NO. 429, 428 AND  
444, 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 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 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 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 J Bol 429-428-444) 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 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 are diverted there is any apparatus under, in, over, along or across them 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. 429 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 369395 404124 in a generally north-easterly direction to Point B at grid reference SD 369458 404186 as shown by the continuous bold line between Points A-B on the Order Plan over a total distance of approximately 89 metres and a width of 2.4 metres throughout.

Restricted Byway No. 428 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton, commencing from Point B at grid reference SD 369458 404186 in a generally east- north-easterly direction to Point C at grid reference SD 369640 404260 as shown by the continuous bold line between Points B-C on the Order Plan over a total distance of approximately 199 metres and a width of 2.4 metres throughout.

Restricted Byway No. 444 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 369640 404260 in a generally south-easterly direction to Point D at grid reference SD 369686 404210 as shown by the continuous bold line between Points C-D on the Order Plan over a total distance of approximately 67 metres and a width of 2.4 metres throughout.

### **PART 2**

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

Restricted Byway No. 429 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 E at grid reference SD 369453 404183 running in a generally south-east by easterly direction to Point F at grid reference SD 369546 404124 as shown by the bold black dashes with arrowheads between Points E-F on the Order Plan over a total distance of approximately 109 metres. The width between points E-F will be 3 metres throughout over a limestone surface.

Restricted Byway No. 428 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 F at grid reference SD 369546 404124 running in a generally south-east by easterly direction to Point G at grid reference SD 369610 404099 as shown by the bold black dashes with arrowheads between Points F-G on the Order Plan over a total distance

of approximately 71 metres. The width between Points F-G will be 3 metres throughout over a limestone surface.

Restricted Byway No. 444 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 369610 404099 curving in a generally north-easterly direction to Point H at grid reference SD 369660 404134 as shown by the bold black dashes with arrowheads between Points G-H on the Order Plan over a total distance of approximately 63 metres. The width between Points G-H 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 429

**Replace** "Starts at junction with Path Number 428 and Path Number 431 and runs to South West with barbed wire fence on right hand side and after 18m runs alongside stream. Ends at junction with Path Number 430 and Path Number 432 at field gate" **with** "Starting from its junction with Restricted Byway Bolton 431 at grid reference SD 369453 404183 continuing in a generally south-east by easterly direction for a distance of approximately 109 metres to its end at the junction with Restricted Byway Bolton 428 at grid reference SD 369546 404124".

**Total Length:** 109 metres.

**Width:** 3 metres throughout.

**Surface Type:** limestone

Path/Way Number: Restricted Byway Bolton 428

**Replace** "Starts at junction with Path Number 429 and Path Number 431 and runs to North East with barbed wire fence on left hand side across field. Ends at junction with Path Number 444 and Path Number 397" **with** "Continuation of Restricted Byway Bolton 429 at grid reference SD 369546 404124 continuing in a generally south-east by easterly direction for a distance of approximately 71 metres to its end at the junction with Restricted Byway Bolton 444 at grid reference SD 369610 404099".

**Total Length:** 71 metres.

**Width:** 3 metres throughout.

**Surface Type:** limestone

Path/Way Number: Restricted Byway Bolton 444

**Replace** "Starts at junction of Path Number 428 and Path Number 397 and runs South East crossing stream over cartbridge and ending at Leadbeaters Farm at junction of Path Number 402 and Path Number 399" **with** "Continuation of Restricted Byway Bolton 428 at grid reference SD 369610 404099 curving in a generally north-easterly direction for a distance of approximately 63 metres to its end at the junction with Restricted Byway Bolton 399 at grid reference SD 369660 404134".

**Total Length:** 63 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:



*Aileen Gorman*

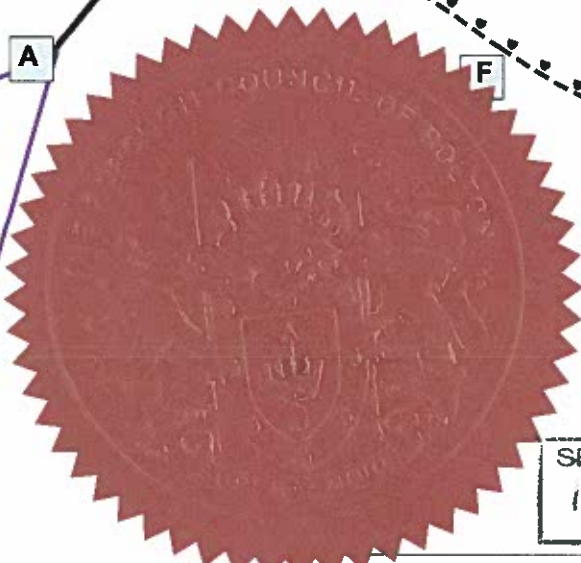
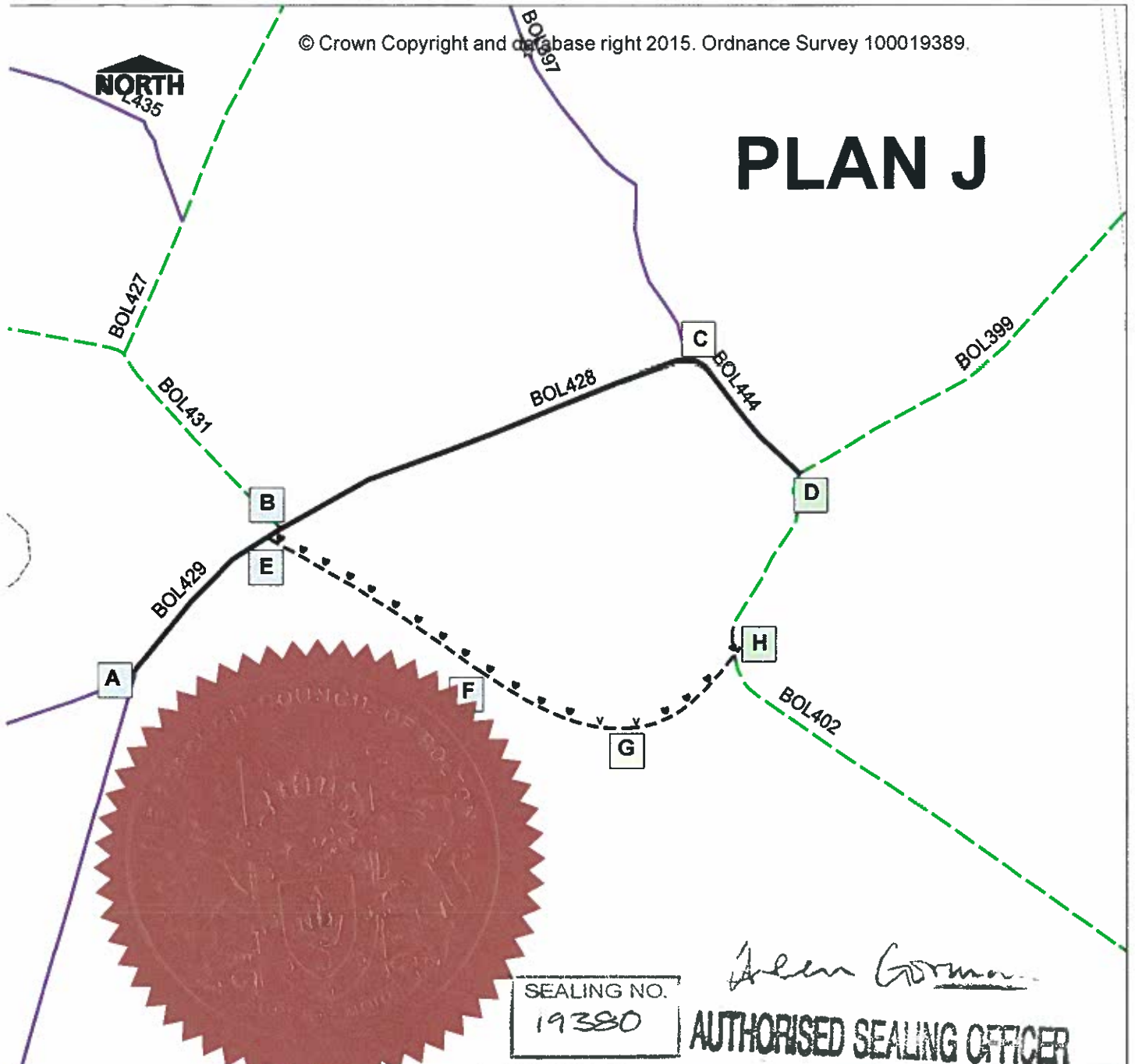
Authorised Sealing Officer

SEALING NO.

19380



# PLAN J



SEALING NO.  
19380

*Allen Gorman*

**AUTHORISED SEALING OFFICER**

**KEY**

- Restricted Byway
- v-v- Bridleway
- Footpath
- Restricted Byway Bolton 429 to be closed (A-B)
- Restricted Byway Bolton 428 to be closed (B-C)
- Restricted Byway Bolton 444 to be closed (C-D)
- v-v- Restricted Byway Bolton 429 to be created (E-F)
- v-v- Restricted Byway Bolton 428 to be created (F-G)
- v-v- Restricted Byway Bolton 444 to be created (G-H)
- .-.- Borough Boundary



HIGHWAY AND ENGINEERING  
PUBLIC RIGHTS OF WAY

THE BOROUGH COUNCIL OF BOLTON  
Restricted Byways Bolton 429 & 428 & 444 Diversion Order  
Section 257 Town and Country Planning Act 1990

**ENVIRONMENTAL SERVICES**

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

Date  
15/10/2015

Scale  
1:2500

Drawn  
AS

Drg. No.  
Plan J Bol 429-428-444