

**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 (PUBLIC FOOTPATHS NO. 441, 432, 430
(PART) 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 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 footpaths over the land shown by bold black lines on the attached plan ("the Order Plan": Plan I Bol 441-432-430) 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 footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached plan.
3. The diversion of the 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 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 footpaths referred to in paragraph 1 of this Order and the 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 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 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

Public Footpath No. 441 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 368965 404108 in a generally easterly direction to Point B at grid reference SD 369198 404113 as shown by the continuous bold line between Points A-B on the Order Plan over a total distance of approximately 234 metres and a width of 3.4 metres throughout.

Public Footpath No. 432 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 369198 404113 in a generally east by southerly direction to Point C at grid reference SD 369234 404107 for a distance of approximately 36 metres then running in a generally southerly direction to Point D at grid reference SD 369234 404100 for a distance of approximately 6 metres then running in a generally east-south-easterly direction to Point E at grid reference SD 369298 404088 for a distance of approximately 65 metres then running in a generally east-north-easterly direction to Point F at grid reference SD 369395 404124 for a distance of approximately 104 metres as shown by the continuous bold line between Points B-C-D-E-F on the Order Plan over a total distance of approximately 211 metres and a width of 0.6 – 1.2 metres.

Public Footpath No. 430 (Part) 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 369395 404124 in a generally south-south-westerly direction to Point G at grid reference SD 369332 403897 as shown by the continuous bold line between Points F-G on the Order Plan over a total distance of approximately 236 metres and a width of 0.9 metres throughout.

PART 2

Description of site of the alternative highway

Public Footpath No. 441 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 H at grid reference SD 368954 404038 running in a generally east by northerly direction to Point I at grid reference SD 368979 404039 for a distance approximately 25

metres then running in a generally south-east by easterly direction to Point J at grid reference SD 369138 403948 for a distance of approximately 184 metres then running in a generally easterly direction to Point K at grid reference SD 369173 403950 for a distance of approximately 35 metres as shown by the bold black dashes between Points H-I-J-K on the Order Plan over a total distance of approximately 244 metres. The width between Points H-I-J-K will be 2 metres throughout over a red shale surface.

Public Footpath No. 432 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 K at grid reference SD 369173 403950 running in a generally north-east by easterly direction to Point L at grid reference SD 369252 403990 for a distance approximately 89 metres then running in a generally east-south-easterly direction to Point M at grid reference SD 369296 403975 for a distance of approximately 47 metres then running in an easterly direction to Point N at grid reference SD 369320 403972 for a distance of approximately 24 metres as shown by the bold black dashes between Points K-L-M-N on the Order Plan over a total distance of approximately 160 metres. The width between points K-L-M-N will be 2 metres throughout over a red shale surface.

Public Footpath No. 430 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 369332 403897 curving in a generally north by westerly direction to Point O at grid reference SD 369332 403921 for a distance approximately 24 metres then running in a generally north-north-westerly direction to Point P at grid reference SD 369320 403947 for a distance of approximately 29 metres then running in a generally northerly direction to Point N at grid reference SD 369320 403972 for a distance of approximately 25 metres then running in a generally easterly direction to Point Q at grid reference SD 369394 403976 for a distance of approximately 75 metres then curving in a generally east-north-easterly direction to Point R at grid reference SD 369486 404038 for a distance of approximately 114 metres then curving in a generally north-north-easterly direction to Point S at grid reference SD 369505 404094 for a distance of approximately 60 metres then curving in a generally north-east by easterly direction to Point T at grid reference SD 369546 404124 for a distance of approximately 53 metres as shown by the bold black dashes between Points G-O-P-N-Q-R-S-T on the Order Plan over a total distance of approximately 380 metres. The width between points G-O-P-N-Q-R-S-T 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: Public Footpath Bolton 441

Replace "No description given" **with** "Starting from its junction with Public Footpath Westhoughton 125 at grid reference SD 368954 404038 on the Borough Boundary continuing in a generally east by northerly direction to grid reference SD 368979 404039 for a distance of approximately 25 metres then continues in a generally south-east by easterly direction to grid reference SD 369138 403948 for a distance of approximately 184 metres then continuing in a generally easterly direction for a distance of approximately 35 metres to its end at the junction with Public Footpath Bolton 432 at grid reference SD 369173 403950".

Total Length: 244 metres.

Width: 2 metres throughout.

Surface Type: red shale.

Path/Way Number: Public Footpath Bolton 432

Replace "Starts at junction with Path Number 429 and Path Number 430 at squeezer stile and runs to West alongside stream. After 119m crosses footbridge at junction of two streams to end at Mill's Brow Farm at junction with Path Number 441 and Path Number 440" **with** "Continuation of public footpath Bolton 441 at grid reference SD 369173 403950 continuing in a generally north-east by easterly direction to grid reference SD 369252 403990 for a distance of approximately 89 metres then continues in a generally east-south-easterly direction to grid reference SD 369296 403975 for a distance of approximately 47 metres then continuing in a generally easterly direction for a distance of approximately 24 metres to its end at the junction with Public Footpath Bolton 430 at grid reference SD 369320 403972".

Total Length: 160 metres.

Width: 2 metres throughout.

Surface Type: red shale.

Path/Way Number: Public Footpath Bolton 430

Replace "Starts at squeezer stile at junction of Path Number 432 and Path Number 429 and runs South with hedge on left hand side through meadow and ends on Borough Boundary" **with** "Starting from the Borough Boundary at grid reference SD 369328 403880 continuing in a generally north by easterly direction to grid reference SD 369332 403897 for a distance of approximately 17 metres then curving in a generally north by westerly direction to grid reference SD 369332 403921 for a distance of approximately 24 metres then continuing in a generally north-north-westerly direction to grid reference SD 369320 403947 for a distance of approximately 29 metres then continuing in a generally northerly direction to grid reference SD 369320 403972 for a distance of approximately 25 metres where the path turns and continues in a generally easterly direction to grid reference SD 369394 403976 for a distance of approximately 75 metres then curving in a generally east-north-easterly direction to grid reference SD 369486 404038 for a distance of approximately 114 metres then curving in a generally north-north-easterly direction to grid reference SD 369505 404094 for a distance of approximately 60 metres then curving in a generally north-east by easterly direction for a distance of approximately 53 metres to its end at the junction with Restricted Byways Bolton 429 & 428 at grid reference SD 369546 404124".

Total Length: 397 metres.
Width: 2 metres throughout.
Surface Type: red shale.

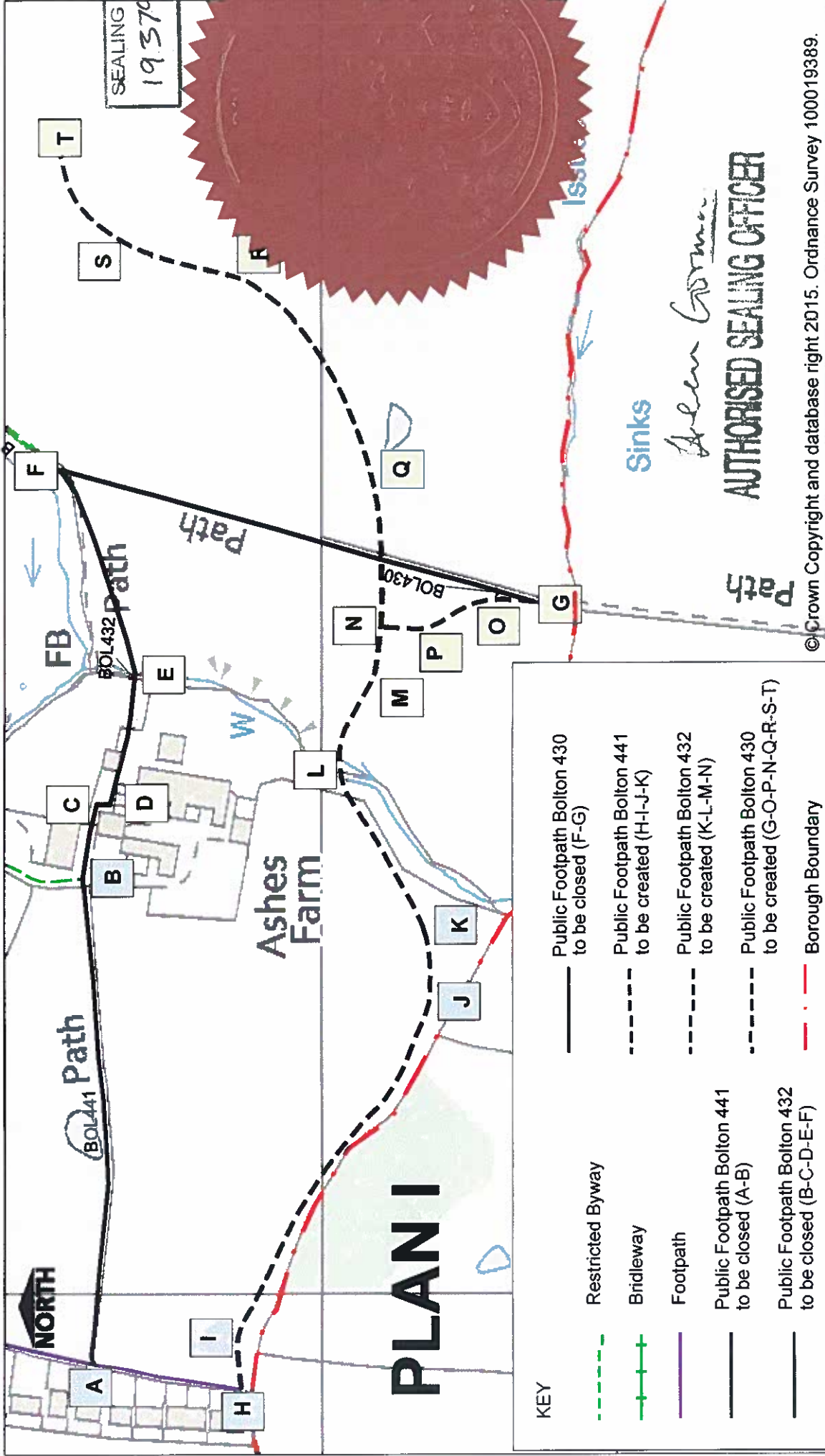
THE COMMON SEAL of
THE BOROUGH COUNCIL OF
BOLTON was hereto affixed
on the 4th day of August 2016
in the presence of:



SEALING NO.
19379

Aileen Gorman

Authorised Sealing Officer



Date	14/10/2015
Scale	1:2500
Drawn AS	
Dwg. No. Plan I Bol441-432-430	

THE BOROUGH COUNCIL OF BOLTON
 Public Footpaths Bolton 441 & 432 & 430 Diversion Order
 Section 257 Town and Country Planning Act 1990

Bolton Council
 HIGHWAYS AND ENGINEERING
 PUBLIC RIGHTS OF WAY
 ENVIRONMENTAL SERVICES
 Stephen Young BA(Hons) DMS MBA
 Director of Place
 The Wellsprings, Civic Centre, Bolton BL1 1US

KEY	
	Restricted Byway
	Bridleway
	Footpath
	Public Footpath Bolton 441 to be closed (A-B)
	Public Footpath Bolton 432 to be closed (B-C-D-E-F)
	Public Footpath Bolton 430 to be closed (F-G)
	Public Footpath Bolton 441 to be created (H-I-J-K)
	Public Footpath Bolton 432 to be created (K-L-M-N)
	Public Footpath Bolton 430 to be created (G-O-P-N-Q-R-S-T)
	Borough Boundary